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## CHAMBER ACTION

1 The Economic Development, Trade & Banking Committee recommends  
2 the following:

3  
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to financial entities and transactions;  
8 amending s. 494.0011, F.S.; authorizing the Financial  
9 Services Commission to require electronic submission of  
10 forms, documents, or fees; providing for accommodating a  
11 technological or financial hardship; authorizing the  
12 commission to adopt rules relating to obtaining such an  
13 accommodation; providing a requirement for granting or  
14 denying a license; amending s. 494.0016, F.S.; authorizing  
15 the commission to prescribe requirements for destroying  
16 books, accounts, records, and documents; authorizing the  
17 commission to recognize alternative statutes of limitation  
18 for such destruction; providing for procedures; amending  
19 s. 494.0029, F.S.; specifying criteria for receipt of  
20 certain applications; specifying that certain permits are  
21 not transferable or assignable; amending s. 494.00295,  
22 F.S.; revising provisions to specify continuing education  
23 for certain professions; amending s. 494.003, F.S.;

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clarifying application of an exemption from application of specified mortgage broker licensure requirements to certain entities; amending s. 494.0031, F.S.; requiring licensure of mortgage brokerage businesses; specifying criteria for receipt of applications; authorizing the commission or the Office of Financial Regulation to require specified information from certain applicants; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for fingerprinting services; specifying that certain licenses are not transferable or assignable; amending s. 494.0033, F.S.; clarifying requirements for mortgage broker licensure; authorizing the commission to waive certain examination requirements under specified circumstances; authorizing the commission to prescribe additional testing fees; revising fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; specifying criteria for receipt of applications; deleting provisions relating to cancellation and reinstatement of licenses; amending s. 494.0034, F.S.; clarifying the commission's authorization to prescribe license renewal forms; amending s. 494.0036, F.S.; clarifying provisions relating to issuance of licenses to mortgage brokerage business branch offices; specifying criteria for receipt of certain applications; amending s.

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494.004, F.S.; conforming cross references; amending s.  
494.0041, F.S.; specifying an additional ground for  
disciplinary action; amending s. 494.006, F.S.; clarifying  
the application of an exemption from mortgage lender  
licensure requirements to certain entities; amending s.  
494.0061, F.S.; requiring licensure of mortgage lenders;  
specifying criteria for receipt of applications; revising  
fingerprinting requirements; authorizing the commission to  
prescribe fees and procedures for processing fingerprints;  
authorizing the office to contract for certain  
fingerprinting services; deleting certain provisions  
relating to cancellation and reinstatement of licenses;  
authorizing the commission to waive specified examination  
requirements under certain circumstances; authorizing the  
commission to prescribe additional testing fees; amending  
s. 494.0062, F.S.; requiring licensure of correspondent  
mortgage lenders; specifying criteria for receipt of  
applications; authorizing the office to require applicants  
to provide certain information; revising fingerprinting  
requirements; authorizing the commission to prescribe fees  
and procedures for processing fingerprints; authorizing  
the office to contract for certain fingerprinting  
services; deleting certain provisions relating to  
cancellation and reinstatement of licenses; authorizing  
the commission to waive specified examination requirements  
under certain circumstances; authorizing the commission to  
prescribe additional testing fees; requiring notice of a  
change in principal representatives; providing educational

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80 requirements for principal representatives; amending s.  
81 494.0064, F.S.; clarifying a reference to professional  
82 continuing education for certain licensees; amending s.  
83 494.0065, F.S.; specifying criteria for receipt of  
84 applications; specifying education and testing  
85 requirements for certain principal representatives and for  
86 certain applications or transfer applications; authorizing  
87 the commission to waive specified examination requirements  
88 under certain circumstances; authorizing the commission to  
89 prescribe additional testing fees; increasing a license  
90 transfer fee; revising fingerprinting requirements;  
91 authorizing the commission to prescribe fees and  
92 procedures for processing fingerprints; authorizing the  
93 office to contract for certain fingerprinting services;  
94 requiring mortgage lenders to designate a principal  
95 representative; providing criteria and requirements;  
96 requiring notice of a change in principal representatives;  
97 amending s. 494.0066, F.S.; clarifying licensure  
98 requirements for branch offices; amending s. 494.0067,  
99 F.S.; clarifying reference to professional continuing  
100 education requirements; amending s. 494.0072, F.S.;  
101 providing an additional ground for disciplinary action;  
102 amending s. 494.00721, F.S.; correcting cross-references;  
103 amending s. 501.137, F.S.; imposing attorney's fees and  
104 costs on lenders under certain circumstances; amending s.  
105 516.03, F.S.; specifying criteria for receipt of certain  
106 applications; providing that specified fees are  
107 nonrefundable; authorizing the commission to require

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108 electronic submission of forms, documents, or fees;  
109 providing for accommodating a technological or financial  
110 hardship; authorizing the commission to make rules  
111 relating to obtaining such an accommodation; amending s.  
112 516.031, F.S.; increasing a reimbursement charge for  
113 certain investigation costs; amending s. 516.05, F.S.;  
114 deleting provisions relating to fees for licenses that  
115 have been denied; amending s. 516.07, F.S.; providing an  
116 additional ground for disciplinary action; amending s.  
117 516.12, F.S.; authorizing the commission to prescribe  
118 minimum information that must be shown in a licensee's  
119 books, accounts, records, and documents; authorizing the  
120 commission to prescribe requirements for destroying books,  
121 accounts, records, and documents; authorizing the  
122 commission to recognize alternative statutes of limitation  
123 for such destruction; providing for procedures; amending  
124 s. 517.061, F.S.; revising provisions related to exempt  
125 transactions; amending ss. 517.051 and 517.081, F.S.;  
126 revising standards for accounting principles to be used in  
127 preparing certain financial statements; amending s.  
128 517.12, F.S.; revising provisions for taking and  
129 submitting fingerprints of dealers, associated persons,  
130 and similarly situated persons; revising provisions  
131 relating to expiration and renewal of registration of such  
132 persons; providing an exemption from registration  
133 requirements for a Canadian dealer and an associated  
134 person who represents a Canadian dealer, under certain  
135 conditions; providing for notice filing by a Canadian

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dealer under certain conditions; authorizing the Office of Financial Regulation of the Financial Services Commission to issue a permit to evidence the effectiveness of a notice filing for a Canadian dealer; providing for the renewal of a notice filing by a Canadian dealer; providing for reinstatement of a notice filing; providing obligations for a Canadian dealer who has given notice of filing; providing obligations for an associated person representing a Canadian dealer who has given notice of filing; providing for the termination of a notice of filing; providing for the collection of fees; amending s. 517.131, F.S.; revising conditions under which recovery can be made from the Securities Guaranty Fund; amending s. 517.141, F.S.; prescribing circumstances under which a claimant must reimburse the fund; providing for rulemaking; amending s. 517.161, F.S.; providing an additional ground for revocation, restriction, or suspension of a registration; amending ss. 520.03, 520.32, 520.52, and 520.63, F.S.; specifying criteria for receipt of certain applications; providing that certain fees are nonrefundable; amending s. 520.994, F.S.; authorizing the commission to require electronic submission of forms, documents, or fees; providing for accommodating a technological or financial hardship; providing for rulemaking; amending s. 520.995, F.S.; providing an additional ground for disciplinary action; amending ss. 520.997 and 537.009, F.S.; authorizing the commission to prescribe certain minimum information that must be shown

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164        in a licensee's books, accounts, records, and documents;  
165        authorizing the commission to prescribe requirements for  
166        destroying books, accounts, records, and documents;  
167        authorizing the commission to recognize alternative  
168        statutes of limitation for such destruction; providing for  
169        procedures; amending ss. 560.105 and 560.118, F.S.;  
170        authorizing the commission to require electronic  
171        submission of forms, documents, or fees; providing for  
172        accommodating a technological or financial hardship;  
173        amending s. 560.114, F.S.; providing an additional ground  
174        for disciplinary action; amending s. 560.121, F.S.;  
175        authorizing the commission to prescribe certain minimum  
176        information that must be shown in a licensee's books,  
177        accounts, records, and documents; authorizing the  
178        commission to prescribe requirements for destroying books,  
179        accounts, records, and documents; authorizing the  
180        commission to recognize alternative statutes of limitation  
181        for such destruction; providing for procedures; decreasing  
182        the required time period for the office to retain certain  
183        reports, records, applications, and related information;  
184        amending s. 560.126, F.S.; requiring notice of changes in  
185        information contained in a registration application;  
186        amending s. 560.205, F.S.; revising fingerprinting  
187        requirements; authorizing the commission to prescribe fees  
188        and procedures for processing fingerprints; authorizing  
189        the office to contract for certain fingerprinting  
190        services; authorizing the commission to establish  
191        procedures for depositing fees and filing documents

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electronically; deleting a requirement that an applicant provide a list of certain vendors; requiring the reporting of certain changes of registration by written amendment; amending s. 560.207, F.S.; authorizing the commission to establish procedures for depositing fees and filing documents electronically; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; amending s. 560.210, F.S.; revising permissible investment requirements for certain registrants; specifying in general that accounting principles are those generally accepted in the United States; amending ss. 560.211 and 560.310, F.S.; requiring notice to the office of the location of certain amended records; amending ss. 560.305 and 560.308, F.S.; revising procedures for renewing a registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a registration; authorizing the commission to establish procedures for depositing fees and filing documents electronically; amending s. 560.306, F.S.; revising certain fingerprinting requirements; authorizing the commission to prescribe fees and procedures for processing fingerprints; authorizing the office to contract for certain fingerprinting services; requiring the reporting of certain changes of registration by written amendment; specifying commission authority by rules; amending s. 560.403, F.S.; revising requirements for giving notice of intent in connection with the renewal

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of registration; providing that specified fees are nonrefundable; providing conditions to the reinstatement of a notice of intent; amending s. 655.935, F.S.; authorizing the search of a safe-deposit box co-leased by a decedent; providing limitations; amending s. 655.936, F.S.; providing for the delivery of a safe-deposit box to a court-appointed personal representative; amending s. 655.937, F.S.; revising provisions for access to safe-deposit boxes; amending s. 733.6065, F.S.; revising provisions related to the initial opening of a safe-deposit box leased or co-leased by a decedent; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 494.0011, Florida Statutes, is amended, and subsection (6) is added to said section, to read:

494.0011 Powers and duties of the commission and office.--

(2) The commission may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ss. 494.001-494.0077. The commission may adopt rules that require ~~to allow~~ electronic submission of any forms, documents, or fees required by this act if such rules reasonably accommodate technological or financial hardship. The commission may prescribe by rule requirements and procedures for obtaining an exemption due to a technological or financial hardship. The commission may also adopt rules to accept certification of compliance with

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requirements of this act in lieu of requiring submission of documents.

(6) The granting or denial of a license must be in accordance with s. 120.60.

Section 2. Subsection (4) of section 494.0016, Florida Statutes, is amended to read:

494.0016 Books, accounts, and records; maintenance; examinations by the office.--

(4) The commission may prescribe by rule the minimum information to be shown in the books, accounts, records, and documents of licensees so that such records will enable the office to determine the licensee's compliance with ss. 494.001-494.0077. In addition, the commission may prescribe by rule the requirements for destruction of books, accounts, records, and documents retained by the licensee after completion of the time period indicated in subsection (3). Notwithstanding the 3-year retention period provided in subsection (3), if the office identifies a statute of limitations in a federal law or rule or another law or rule of this state which statute of limitations is reasonably related by subject matter to the administration of this chapter, the commission may identify that statute of limitations by rule and may prohibit the destruction of records required to be maintained by this chapter for a period of time, established by rule, which is reasonably related to such statute of limitations. The commission shall prescribe by rule those documents or records that are to be preserved under the identified statute of limitations.

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275 Section 3. Subsections (1) and (2) of section 494.0029,  
276 Florida Statutes, are amended to read:

277 494.0029 Mortgage business schools.--

278 (1)(a) Each person, school, or institution, except  
279 accredited colleges, universities, community colleges, and  
280 career centers in this state, which offers or conducts mortgage  
281 business training as a condition precedent to licensure as a  
282 mortgage broker, mortgage ~~or~~ lender, or a correspondent mortgage  
283 lender shall obtain a permit from the office and abide by the  
284 regulations imposed upon such person, school, or institution by  
285 this chapter and rules adopted pursuant to this chapter. The  
286 commission shall, by rule, recertify the permits annually with  
287 initial and renewal permit fees that do not exceed \$500 plus the  
288 cost of accreditation.

289 (b) An application is considered received for purposes of  
290 s. 120.60 upon receipt of a completed application form as  
291 prescribed by commission rule, a nonrefundable application fee  
292 of \$500, and any other fee prescribed by law.

293 (c) A permit issued under this section is not transferable  
294 or assignable.

295 (2) All such schools shall maintain curriculum and  
296 training materials necessary to determine the school's  
297 compliance with this chapter and rules adopted under ~~pursuant to~~  
298 this chapter. Any school that offers or conducts mortgage  
299 business training shall at all times maintain an operation of  
300 training, materials, and curriculum which is open to review by  
301 the office to determine compliance and competency as a mortgage  
302 business school. All documents prescribed by commission rule

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303 must be submitted with the initial application or  
304 recertification.

305 Section 4. Section 494.00295, Florida Statutes, is amended  
306 to read:

307 494.00295 Professional continuing education.--

308 (1) Each mortgage broker, mortgage lender, and  
309 correspondent mortgage lender must certify to the office at the  
310 time of renewal that during the 2 years prior to an application  
311 for license renewal, all mortgage brokers, and the principal  
312 representative, and loan originators, ~~and associates~~ of a  
313 mortgage lender or correspondent mortgage lender have  
314 successfully completed at least 14 hours of professional  
315 continuing education programs covering primary and subordinate  
316 mortgage financing transactions and the provisions of this  
317 chapter. Licensees shall maintain records documenting compliance  
318 with this subsection for a period of 4 years.

319 (2) Professional continuing education programs must  
320 contribute directly to the professional competency of the  
321 participants, may only be offered by permitted mortgage business  
322 schools or entities specifically exempted from permitting as  
323 mortgage business schools, and may include electronically  
324 transmitted or distance education courses.

325 (3) The commission shall adopt rules necessary to  
326 administer this section, including rules governing qualifying  
327 hours for professional continuing education programs and  
328 standards for electronically transmitted or distance education  
329 courses, including course completion requirements.

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330 Section 5. Paragraphs (b) and (c) of subsection (1) and  
331 paragraph (e) of subsection (2) of section 494.003, Florida  
332 Statutes, are amended to read:

333 494.003 Exemptions.--

334 (1) None of the following persons is subject to the  
335 requirements of ss. 494.003-494.0043:

336 (b) A state or federal chartered bank, ~~bank holding~~  
337 ~~company~~, trust company, savings and loan association, savings  
338 bank, or credit union, bank holding company regulated under the  
339 laws of any state or the United States, or consumer finance  
340 company licensed pursuant to chapter 516.

341 (c) A wholly owned bank holding company subsidiary formed  
342 and regulated under the laws of any state or the United States  
343 or a wholly owned savings and loan association holding company  
344 subsidiary that is approved or certified by the Department of  
345 Housing and Urban Development, the Veterans Administration, the  
346 Government National Mortgage Association, the Federal National  
347 Mortgage Association, or the Federal Home Loan Mortgage  
348 Corporation.

349 (2) None of the following persons is required to be  
350 licensed under ss. 494.003-494.0043:

351 (e) A wholly owned subsidiary of a state or federal  
352 chartered bank or savings and loan association the sole activity  
353 of which is to distribute the lending programs of such state or  
354 federal chartered bank or savings and loan association to  
355 persons who arrange loans for, or make loans to, borrowers.

356 Section 6. Section 494.0031, Florida Statutes, is amended  
357 to read:

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494.0031 Licensure as a mortgage brokerage business.--

(1) Each person who acts as a mortgage brokerage business must be licensed under this section unless otherwise exempt from licensure.

(2)(1) The commission or office may require each applicant for a mortgage brokerage business license to provide any information reasonably necessary to determine the applicant's eligibility for licensure. The office shall issue a mortgage brokerage business license to each person who:

(a) Has submitted a completed application form and a nonrefundable application fee of \$425.~~;~~ ~~and~~

(b) Has a qualified principal broker pursuant to s. 494.0035.

An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$425, and any other fee prescribed by law.

(3)(2) The commission may require by rule that each officer, director, and ultimate equitable owner of a 10-percent or greater interest in the mortgage brokerage business submit a complete set of fingerprints. A fingerprint card submitted to the office must be taken by an authorized law enforcement agency if the fingerprint card is submitted to the office in paper form. In addition to the fees prescribed in s. 215.405, the commission may prescribe by rule an additional fee, not to exceed \$30, for processing the fingerprints. The commission may prescribe by rule procedures for submitting fingerprints and

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386 fees by electronic means to the office or to a third party  
387 approved by the office. In order to implement the submission and  
388 processing of fingerprints as specified by rule under this  
389 section, the office may contract with a third party or another  
390 state agency that provides fingerprinting services officer.

391 (4)(3) Notwithstanding ~~the provisions of~~ subsection (2)  
392 ~~(1)~~, it is a ground for denial of licensure if the applicant;  
393 designated principal mortgage broker; any officer, director,  
394 partner, or joint venturer of the applicant; ~~any natural person~~  
395 ~~owning a 10-percent or greater interest in the mortgage~~  
396 ~~brokerage business;~~ or any natural person who is the ultimate  
397 equitable owner of a 10-percent or greater interest in the  
398 mortgage brokerage business has committed any violation  
399 specified in ss. 494.001-494.0077 or has pending against him or  
400 her in any jurisdiction any criminal prosecution or  
401 administrative enforcement action that, ~~in any jurisdiction,~~  
402 ~~which~~ involves fraud, dishonest dealing, or any other act of  
403 moral turpitude.

404 (5)(4) A mortgage brokerage business or branch office  
405 license may be canceled if it was issued through mistake or  
406 inadvertence of the office. A notice of cancellation must be  
407 issued by the office within 90 days after the issuance of the  
408 license. A notice of cancellation is ~~shall be~~ effective upon  
409 receipt. The notice of cancellation must ~~shall~~ provide the  
410 applicant with notification of the right to request a hearing  
411 within 21 days after the applicant's receipt of the notice of  
412 cancellation. A license must ~~shall~~ be reinstated if the

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applicant can demonstrate that the requirements for obtaining the license under ~~pursuant to~~ this chapter have been satisfied.

~~(6)(5) A license issued under this part is not transferable or assignable. If an initial mortgage brokerage business or branch office license has been issued but the check upon which the license is based is returned due to insufficient funds, the license shall be deemed canceled. A license deemed canceled pursuant to this subsection shall be reinstated if the office receives a certified check for the appropriate amount within 30 days after the date the check was returned due to insufficient funds.~~

Section 7. Subsections (1), (2), and (7) of section 494.0033, Florida Statutes, are amended to read:

494.0033 Mortgage broker's license.--

(1) Each natural person who acts as a mortgage broker for a mortgage brokerage business or acts as an associate for a mortgage lender or correspondent mortgage lender must be licensed under ~~pursuant to~~ this section. To act as a mortgage broker, an individual must be an associate of a mortgage brokerage business, mortgage lender, or correspondent mortgage lender. A mortgage broker is prohibited from being an associate of more than one mortgage brokerage business, mortgage lender, or correspondent mortgage lender.

(2) Each initial application for a mortgage broker's license must be in the form prescribed by rule of the commission. The commission may require each applicant to provide any information reasonably necessary to make a determination of



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the applicant's eligibility for licensure. The office shall issue an initial license to any natural person who:

(a) Is at least 18 years of age.†

(b) Has passed a written test adopted and administered by the office, or has passed an electronic test adopted and administered by the office or a third party approved by the office, which is designed to determine competency in primary and subordinate mortgage financing transactions as well as to test knowledge of ss. 494.001-494.0077 and the rules adopted pursuant thereto. The commission may prescribe by rule an additional fee not to exceed \$100 for the electronic version of the mortgage broker test. The commission may waive by rule the examination requirement for any individual who has passed a comparable test offered by a national group of state mortgage regulators or a federal governmental agency which test covers primary and subordinate mortgage financing transactions.†

(c) Has submitted a completed application and a nonrefundable application fee of \$200. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$200, and any other fee prescribed by law. ~~The commission may set by rule an additional fee for a retake of the examination; and~~

(d) Has filed a complete set of fingerprints, ~~taken by an authorized law enforcement officer,~~ for submission by the office to the Department of Law Enforcement or the Federal Bureau of Investigation for processing. A fingerprint card submitted to the office must be taken by an authorized law enforcement agency

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468 if the fingerprint card is submitted to the office in paper  
469 form. In addition to the fees prescribed in s. 215.405, the  
470 commission may prescribe by rule additional fees, not to exceed  
471 \$30, for processing the fingerprints. The commission may  
472 prescribe by rule procedures for submitting fingerprints and  
473 fees by electronic means to the office or to a third party  
474 approved by the office. In order to implement the submission and  
475 processing of fingerprints as specified by rule under this  
476 section, the office may contract with a third party or another  
477 state agency that provides fingerprinting services.

478 ~~(7) If an initial mortgage broker license has been issued~~  
479 ~~but the check upon which the license is based is returned due to~~  
480 ~~insufficient funds, the license shall be deemed canceled. A~~  
481 ~~license deemed canceled pursuant to this subsection shall be~~  
482 ~~reinstated if the office receives a certified check for the~~  
483 ~~appropriate amount within 30 days after the date the check was~~  
484 ~~returned due to insufficient funds.~~

485 Section 8. Subsection (2) of section 494.0034, Florida  
486 Statutes, is amended to read:

487 494.0034 Renewal of mortgage broker's license.--

488 (2) The commission shall adopt rules establishing a  
489 procedure for the biennial renewal of mortgage broker's  
490 licenses. The commission may prescribe the form of the renewal  
491 application and may require an update of information since the  
492 licensee's last renewal.

493 Section 9. Subsection (2) of section 494.0036, Florida  
494 Statutes, is amended to read:

495 494.0036 Mortgage brokerage business branch offices.--

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(2) The office shall issue a mortgage brokerage business branch office license to a mortgage brokerage business licensee after the office determines that the licensee has submitted upon receipt of a completed branch office application in a form as prescribed by commission rule and payment of an initial nonrefundable branch office license fee of \$225. Branch office licenses must be renewed in conjunction with the renewal of the mortgage brokerage business license. The branch office license shall be issued in the name of the mortgage brokerage business that maintains the branch office. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$225, and any other fee prescribed by law.

Section 10. Subsections (1), (2), and (4) of section 494.004, Florida Statutes, are amended to read:

494.004 Requirements of licensees.--

(1) Each licensee under ss. 494.003-494.0043 shall report, in writing, any conviction of, or plea of nolo contendere to, regardless of adjudication, any crime or administrative violation that involves fraud, dishonest dealing, or any other act of moral turpitude, in any jurisdiction, by the licensee or any natural person named in s. 494.0031(4)(3), not later than 30 days after the date of conviction, entry of a plea of nolo contendere, or final administrative action.

(2) Each licensee under ss. 494.003-494.0043 shall report, in a form prescribed by rule of the commission, any conviction of, or plea of nolo contendere to, regardless of whether

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524 adjudication is withheld, any felony committed by the licensee  
525 or any natural person named in s. 494.0031(4)(3), not later than  
526 30 days after the date of conviction or the date the plea of  
527 nolo contendere is entered.

528 (4) Each licensee under ss. 494.003-494.0043 shall report  
529 any change in the form of business organization or any change of  
530 a person named, pursuant to s. 494.0031(4)(3), to the office in  
531 writing not later than 30 days after the change is effective.

532 Section 11. Paragraph (s) is added to subsection (2) of  
533 section 494.0041, Florida Statutes, to read:

534 494.0041 Administrative penalties and fines; license  
535 violations.--

536 (2) Each of the following acts constitutes a ground for  
537 which the disciplinary actions specified in subsection (1) may  
538 be taken:

539 (s) Payment to the office for a license or permit with a  
540 check or electronic transmission of funds which is dishonored by  
541 the applicant's or licensee's financial institutions.

542 Section 12. Paragraphs (a) and (c) of subsection (1) and  
543 paragraph (a) of subsection (2) of section 494.006, Florida  
544 Statutes, are amended to read:

545 494.006 Exemptions.--

546 (1) None of the following persons are subject to the  
547 requirements of ss. 494.006-494.0077 in order to act as a  
548 mortgage lender or correspondent mortgage lender:

549 (a) A state or federal chartered bank, a bank holding  
550 company, trust company, a savings and loan association, a  
551 savings bank, or credit union, a bank holding company regulated

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552 under the laws of any state or the United States, or an  
553 insurance company if the insurance company is duly licensed in  
554 this state.

555 (c) A wholly owned bank holding company subsidiary formed  
556 and regulated under the laws of any state or the United States  
557 or a wholly owned savings and loan association holding company  
558 subsidiary that is approved or certified by the Department of  
559 Housing and Urban Development, the Veterans Administration, the  
560 Government National Mortgage Association, the Federal National  
561 Mortgage Association, or the Federal Home Loan Mortgage  
562 Corporation.

563 (2)(a) A natural person employed by a mortgage lender or  
564 correspondent mortgage lender licensed under ss. 494.001-  
565 494.0077 is exempt from the licensure requirements of ss.  
566 494.001-494.0077 when acting within the scope of employment with  
567 the licensee.

568 Section 13. Section 494.0061, Florida Statutes, is amended  
569 to read:

570 494.0061 Mortgage lender's license requirements.--

571 (1) Each person who acts as a mortgage lender must be  
572 licensed under this section unless otherwise exempt from  
573 licensure.

574 (2)(1) The commission or office may require each applicant  
575 for a mortgage lender license to provide any information  
576 reasonably necessary to make a determination of the applicant's  
577 eligibility for licensure. The office shall issue an initial  
578 mortgage lender license to any person that submits:

579 (a) A completed application form. +

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580           (b) A nonrefundable application fee of \$575.+  
581           (c) Audited financial statements, which documents disclose  
582 that the applicant has a bona fide and verifiable net worth,  
583 pursuant to United States generally accepted accounting  
584 principles, of at least \$250,000, which must be continuously  
585 maintained as a condition of licensure.+  
586           (d) A surety bond in the amount of \$10,000, payable to the  
587 state and conditioned upon compliance with ss. 494.001-494.0077,  
588 which inures to the office and which must be continuously  
589 maintained thereafter in full force.+  
590           (e) Documentation that the applicant is duly incorporated,  
591 registered, or otherwise formed as a general partnership,  
592 limited partnership, limited liability company, or other lawful  
593 entity under the laws of this state or another state of the  
594 United States.+~~and~~  
595           (f) ~~For applications submitted after October 1, 2001,~~  
596 Proof that the applicant's principal representative has  
597 completed 24 hours of classroom instruction in primary and  
598 subordinate financing transactions and in the provisions of this  
599 chapter and rules adopted under this chapter. This requirement  
600 is satisfied if the principal representative has continuously  
601 served in the capacity of a principal representative for a  
602 licensed entity under this chapter for at least 1 year and has  
603 not had a lapse in designation as a principal representative of  
604 more than 2 years prior to the date of the submission of the  
605 application or amendment in the case of a change in the  
606 principal representative. This requirement is also satisfied if

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607 the principal representative currently has an active mortgage  
608 broker license in this state.

609  
610 An application is considered received for purposes of s. 120.60  
611 upon receipt of a completed application form as prescribed by  
612 commission rule, a nonrefundable application fee of \$575, and  
613 any other fee prescribed by law.

614 (3)(2) Notwithstanding ~~the provisions~~ of subsection  
615 (2)(1), it is a ground for denial of licensure if the applicant,  
616 any principal officer, ~~or~~ director, partner, or joint venturer  
617 of the applicant, or any natural person owning a 10-percent or  
618 greater interest in the applicant, or any natural person who is  
619 the ultimate equitable owner of a 10-percent or greater interest  
620 in the applicant has committed any violation specified in s.  
621 494.0072, or has pending against her or him any criminal  
622 prosecution or administrative enforcement action, in any  
623 jurisdiction, which involves fraud, dishonest dealing, or any  
624 act of moral turpitude.

625 (4)(3) Each initial application for a mortgage lender's  
626 license must be in a form prescribed by the commission. ~~The~~  
627 ~~commission or office may require each applicant to provide any~~  
628 ~~information reasonably necessary to make a determination of the~~  
629 ~~applicant's eligibility for licensure.~~ The commission or office  
630 may require that each officer, director, and ultimate equitable  
631 owner of a 10-percent or greater interest in the applicant  
632 submit a complete set of fingerprints. A fingerprint card  
633 submitted to the office must be taken by an authorized law  
634 enforcement agency if the fingerprint card is submitted to the

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635 office in paper form. In addition to the fees prescribed in s.  
636 215.405, the commission may prescribe by rule an additional fee,  
637 not to exceed \$30, for processing the fingerprints. The  
638 commission may prescribe by rule procedures for submitting  
639 fingerprints and fees by electronic means to the office or to a  
640 third party approved by the office. In order to implement the  
641 submission and processing of fingerprints as specified by rule  
642 under this section, the office may contract with a third party  
643 or another state agency that provides fingerprinting services  
644 officer.

645 (5)(4) A person required to be licensed under ss. 494.006-  
646 494.0077, or an agent or employee thereof, is deemed to have  
647 consented to the venue of courts of competent jurisdiction in  
648 this state regarding any matter within the authority of ss.  
649 494.001-494.0077 regardless of where an act or violation was  
650 committed.

651 (6)(5) A license issued in accordance with ss. 494.006-  
652 494.0077 is not transferable or assignable.

653 (7)(6) A mortgage lender or branch office license may be  
654 canceled if it was issued through mistake or inadvertence of the  
655 office. A notice of cancellation must be issued by the office  
656 within 90 days after the issuance of the license. A notice of  
657 cancellation shall be effective upon receipt. The notice of  
658 cancellation shall provide the applicant with notification of  
659 the right to request a hearing within 21 days after the  
660 applicant's receipt of the notice of cancellation. A license  
661 shall be reinstated if the applicant can demonstrate that the



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requirements for obtaining the license under ~~pursuant to~~ this chapter have been satisfied.

~~(7) If an initial mortgage lender or branch office license has been issued but the check upon which the license is based is returned due to insufficient funds, the license shall be deemed canceled. A license deemed canceled pursuant to this subsection shall be reinstated if the office receives a certified check for the appropriate amount within 30 days after the date the check was returned due to insufficient funds.~~

(8) Each lender, regardless of the number of branches it operates, shall designate a principal representative who exercises control of the licensee's business and shall maintain a form prescribed by the commission designating the principal representative. If the form is not accurately maintained, the business is considered to be operated by each officer, director, or equitable owner of a 10-percent or greater interest in the business.

(9) ~~After October 1, 2001,~~ An applicant's principal representative must pass a written test prescribed by the commission and administered by the office, or must pass an electronic test prescribed by the commission and administered by the office or a third party approved by the office, which covers primary and subordinate mortgage financing transactions and the provisions of this chapter and rules adopted under this chapter. The commission may set by rule a fee not to exceed \$100 for the electronic version of the mortgage broker test. The commission may waive by rule the examination requirement for any individual who has passed a comparable test offered by a national group of

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690 state mortgage regulators or a federal governmental agency which  
691 test covers primary and subordinate mortgage financing  
692 transactions. This requirement is satisfied if the principal  
693 representative has continuously served in the capacity of a  
694 principal representative for a licensed entity under this  
695 chapter for at least 1 year and has not had a lapse in  
696 designation as a principal representative of more than 2 years  
697 prior to the date of the submission of the application or  
698 amendment in the case of a change in the principal  
699 representative. This requirement is also satisfied if the  
700 principal representative currently has an active mortgage broker  
701 license in this state.

702 (10) A lender shall notify the office of any change in the  
703 designation of its principal representative within 30 days. A  
704 new principal representative shall satisfy the name and address  
705 of any new principal representative and shall document that the  
706 person has completed the educational and testing requirements of  
707 this section within 90 days after being designated as upon the  
708 designation of a new principal representative. This requirement  
709 is satisfied if the principal representative has continuously  
710 served in the capacity of a principal representative for a  
711 licensed entity under this chapter for at least 1 year and has  
712 not had a lapse in designation as a principal representative of  
713 more than 2 years prior to the date of the submission of the  
714 application or amendment in the case of a change in the  
715 principal representative. This requirement is also satisfied if  
716 the principal representative currently has an active mortgage  
717 broker license in this state.

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Section 14. Section 494.0062, Florida Statutes, is amended to read:

494.0062 Correspondent mortgage lender's license requirements.--

(1) Each person who acts as a correspondent mortgage lender must be licensed under this section unless otherwise exempt from licensure.

(2)(1) The office may require each applicant to provide any information reasonably necessary to determine the applicant's eligibility for licensure. The office shall issue an initial correspondent mortgage lender license to any person who submits:

(a) A completed application form.;

(b) A nonrefundable application fee of \$500.;

(c) Audited financial statements that, ~~which~~ document that the applicant application has a bona fide and verifiable net worth, pursuant to United States generally accepted accounting principles, of \$25,000 or more, and which must be continuously maintained as a condition of licensure.;

(d) A surety bond in the amount of \$10,000, payable to the State of Florida and conditioned upon compliance with ss. 494.001-494.0077, which inures to the office and which must be continuously maintained, thereafter, in full force.;

(e) Documentation that the applicant is duly incorporated, registered, or otherwise formed as a general partnership, limited partnership, limited liability company, or other lawful entity under the laws of this state or another state of the United States.; ~~and~~

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(f) ~~For applications filed after October 1, 2001,~~ Proof that the applicant's principal representative has completed 24 hours of classroom instruction in primary and subordinate financing transactions and in the provisions of this chapter and rules enacted under this chapter. This requirement is satisfied if the principal representative has continuously served in the capacity of a principal representative for a licensed entity under this chapter for at least 1 year and has not had a lapse in designation as a principal representative of more than 2 years prior to the date of the submission of the application or amendment in the case of a change in the principal representative. This requirement is also satisfied if the principal representative currently has an active mortgage broker license in this state.

An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$500, and any other fee prescribed by law.

(3)(2) ~~Notwithstanding the provisions of subsection (2)(1),~~ it is a ground for denial of licensure if the applicant, any principal officer or director of the applicant, or any natural person who is the ultimate equitable owner of a 10-percent or greater interest in the applicant has committed any violation specified in s. 494.0072, or has pending against her or him any criminal prosecution or administrative enforcement action, in any jurisdiction, which involves fraud, dishonest dealing, or any act of moral turpitude.

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774        ~~(4)(3)~~ Each initial application for a correspondent  
775 mortgage lender's license must be in a form prescribed by the  
776 commission. ~~The commission or office may require each applicant~~  
777 ~~to provide any information reasonably necessary to make a~~  
778 ~~determination of the applicant's eligibility for licensure.~~ The  
779 commission or office may require by rule that each officer,  
780 director, and ultimate equitable owner of a 10-percent or  
781 greater interest submit a complete set of fingerprints. A  
782 fingerprint card submitted to the office must be taken by an  
783 authorized law enforcement agency if the fingerprint card is  
784 submitted to the office in paper form. In addition to the fees  
785 prescribed in s. 215.405, the commission may prescribe by rule  
786 an additional fee, not to exceed \$30, for processing the  
787 fingerprints. The commission may prescribe by rule procedures  
788 for submitting fingerprints and fees by electronic means to the  
789 office or to a third party approved by the office. In order to  
790 implement the submission and processing of fingerprints as  
791 specified by rule under this section, the office may contract  
792 with a third party or another state agency that provides  
793 fingerprinting services ~~officer.~~

794        ~~(5)(4)~~ Each license is valid for the remainder of the  
795 biennium in which the license is issued.

796        ~~(6)(5)~~ A person licensed as a correspondent mortgage  
797 lender may make mortgage loans, but may not service a mortgage  
798 loan for more than 4 months after the date the mortgage loan was  
799 made or acquired by the correspondent mortgage lender.

800        ~~(7)(6)~~ A licensee under ss. 494.006-494.0077, or an agent  
801 or employee thereof, is deemed to have consented to the venue of

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802 courts of competent jurisdiction in this state regarding any  
803 matter within the authority of ss. 494.001-494.0077 regardless  
804 of where an act or violation was committed.

805 (8)~~(7)~~ A correspondent mortgage lender is subject to the  
806 same requirements and restrictions as a licensed mortgage lender  
807 unless otherwise provided in this section.

808 (9)~~(8)~~ A license issued under this section is not  
809 transferable or assignable.

810 (10)~~(9)~~ A correspondent mortgage lender or branch office  
811 license may be canceled if it was issued through mistake or  
812 inadvertence of the office. A notice of cancellation must be  
813 issued by the office within 90 days after the issuance of the  
814 license. A notice of cancellation shall be effective upon  
815 receipt. The notice of cancellation shall provide the applicant  
816 with notification of the right to request a hearing within 21  
817 days after the applicant's receipt of the notice of  
818 cancellation. A license shall be reinstated if the applicant can  
819 demonstrate that the requirements for obtaining the license  
820 pursuant to this chapter have been satisfied.

821 ~~(10) If an initial correspondent mortgage lender or branch~~  
822 ~~office license has been issued but the check upon which the~~  
823 ~~license is based is returned due to insufficient funds, the~~  
824 ~~license shall be deemed canceled. A license deemed canceled~~  
825 ~~pursuant to this subsection shall be reinstated if the office~~  
826 ~~receives a certified check for the appropriate amount within 30~~  
827 ~~days after the date the check was returned due to insufficient~~  
828 ~~funds.~~

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(11) Each correspondent lender shall designate a principal representative who exercises control over the business and shall maintain a form prescribed by the commission designating the principal representative. If the form is not accurately maintained, the business is considered to be operated by each officer, director, or equitable owner of a 10-percent or greater interest in the business.

(12) ~~After October 1, 2001,~~ An applicant's principal representative must pass a written test prescribed by the commission and administered by the office or a third party approved by the office which test covers primary and subordinate mortgage financing transactions and the provisions of this chapter and rules adopted under this chapter. The commission may waive by rule the examination requirement for any individual who has passed a comparable test offered by a national group of state mortgage regulators or a federal governmental agency which test covers primary and subordinate mortgage financing transactions. The commission may set by rule a fee not to exceed \$100 for taking the examination. This requirement is satisfied if the principal representative has continuously served in the capacity of a principal representative for a licensed entity under this chapter for at least 1 year and has not had a lapse in designation as a principal representative of more than 2 years prior to the date of the submission of the application or amendment in the case of a change in the principal representative. This requirement is also satisfied if the principal representative currently has an active mortgage broker license in this state.

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(13) A correspondent lender shall notify the office of any change in the designation of its principal representative within 30 days. A new principal representative shall satisfy the name and address of any new principal representative and shall document that such person has completed the educational and testing requirements of this section within 90 days after being designated as upon the lender's designation of a new principal representative. This requirement is satisfied if the principal representative has continuously served in the capacity of a principal representative for a licensed entity under this chapter for at least 1 year and has not had a lapse in designation as a principal representative of more than 2 years prior to the date of the submission of the application or amendment in the case of a change in the principal representative. This requirement is also satisfied if the principal representative currently has an active mortgage broker license in this state.

Section 15. Paragraph (b) of subsection (1) of section 494.0064, Florida Statutes, is amended to read:

494.0064 Renewal of mortgage lender's license; branch office license renewal.--

(1)

(b) A licensee shall also submit, as part of the renewal form, certification that during the preceding 2 years the licensee's principal representative and, loan originators, ~~and associates~~ have completed the professional continuing education requirements of s. 494.00295.



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884 Section 16. Section 494.0065, Florida Statutes, is amended  
885 to read:

886 494.0065 Saving clause.--

887 (1)(a) Any person in good standing who holds an active  
888 registration pursuant to former s. 494.039 or license pursuant  
889 to former s. 521.205, or any person who acted solely as a  
890 mortgage servicer on September 30, 1991, is eligible to apply to  
891 the office for a mortgage lender's license and is eligible for  
892 licensure if the applicant:

893 1. For at least 12 months during the period of October 1,  
894 1989, through September 30, 1991, has engaged in the business of  
895 either acting as a seller or assignor of mortgage loans or as a  
896 servicer of mortgage loans, or both;

897 2. Has documented a minimum net worth of \$25,000 in  
898 audited financial statements; and

899 3. Has applied for licensure pursuant to this section by  
900 January 1, 1992, and paid an application fee of \$100.

901 (b) A licensee pursuant to paragraph (a) may operate a  
902 wholly owned subsidiary or affiliate for the purpose of  
903 servicing accounts if the subsidiary or affiliate is operational  
904 as of September 30, 1991. Such subsidiary or affiliate is not  
905 required to obtain a separate license, but is subject to all the  
906 requirements of a licensee under ss. 494.006-494.0077.

907 (2) A licensee issued a license pursuant to subsection (1)  
908 may renew its mortgage lending license if it documents a minimum  
909 net worth of \$25,000, according to United States generally  
910 accepted accounting principles, which must be continuously

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maintained as a condition to licensure. The office shall require an audited financial statement which documents such net worth.

(3) The commission may prescribe by rule forms and procedures for application for licensure, and amendment and withdrawal of application for licensure, or transfer, including any existing branch offices, in accordance with subsections (4) and (5), and for renewal of licensure of licensees under this section. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$575, and any other fee prescribed by law.

(4)(a) Notwithstanding ss. 494.0061~~(6)(5)~~ and 494.0067(3), the ultimate equitable owner, as of the effective date of this act, of a mortgage lender licensed under this section may transfer, one time, at least 50 percent of the ownership, control, or power to vote any class of equity securities of such mortgage lender, except as provided in paragraph (b). For purposes of this subsection, satisfaction of the amount of the ownership transferred may be met in multiple transactions or in a single transaction.

(b) A person who is an ultimate equitable owner on the effective date of this act may transfer, at any time, at least 50 percent of the ownership, control, or power to vote any class of equity securities of such person to the person's spouse or child, and any such transferee may transfer, at any time, such ownership, control, or power to vote to a spouse or child of such transferee, in perpetuity.

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938        (c) For any transfer application filed on or after October  
939        1, 2005:

940        1. An applicant must provide proof that the applicant's  
941        principal representative has completed 24 hours of instruction  
942        in primary and subordinate financing transactions and in the  
943        provisions of this chapter and rules adopted under this chapter.  
944        This requirement is satisfied if the principal representative  
945        has continuously served in the capacity of a principal  
946        representative for a licensed entity under this chapter for at  
947        least 1 year and has not had a lapse in designation as a  
948        principal representative of more than 2 years prior to the date  
949        of the submission of the application or amendment in the case of  
950        a change in the principal representative. This requirement is  
951        also satisfied if the principal representative currently has an  
952        active mortgage broker license in this state.

953        2. An applicant's principal representative must pass a  
954        written test prescribed by the commission and administered by  
955        the office, or must pass an electronic test prescribed by the  
956        commission and administered by the office or a third party  
957        approved by the office which test covers primary and subordinate  
958        mortgage financing transactions and the provisions of this  
959        chapter and rules adopted under this chapter. The commission may  
960        set by rule a fee not to exceed \$100 for the electronic version  
961        of the mortgage broker test. The commission may waive by rule  
962        the examination requirement for any individual who has passed a  
963        comparable test offered by a national group of state mortgage  
964        regulators or a federal governmental agency which test covers  
965        primary and subordinate mortgage financing transactions. This

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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966 requirement is satisfied if the principal representative has  
967 continuously served in the capacity of a principal  
968 representative for a licensed entity under this chapter for at  
969 least 1 year and has not had a lapse in designation as a  
970 principal representative of more than 2 years prior to the date  
971 of the submission of the application or amendment in the case of  
972 a change in the principal representative. This requirement is  
973 also satisfied if the principal representative currently has an  
974 active mortgage broker license in this state.

975 (5) The commission or office may require each applicant  
976 for any transfer to provide any information reasonably necessary  
977 to make a determination of the applicant's eligibility for  
978 licensure. The office shall issue the transfer of licensure to  
979 any person who submits the following documentation at least 90  
980 days prior to the anticipated transfer:

981 (a) A completed application form.

982 (b) A nonrefundable fee set by rule of the commission in  
983 the amount of \$575 ~~\$500~~.

984 (c) Audited financial statements that substantiate that  
985 the applicant has a bona fide and verifiable net worth,  
986 according to United States generally accepted accounting  
987 principles, of at least \$25,000, which must be continuously  
988 maintained as a condition of licensure.

989 (d) Documentation that the applicant is incorporated,  
990 registered, or otherwise formed as a general partnership,  
991 limited partnership, limited liability company, or other lawful  
992 entity under the laws of this state or another state of the  
993 United States.

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994  
995 An application is considered received for purposes of s. 120.60  
996 upon receipt of a completed application form as prescribed by  
997 commission rule, a nonrefundable application fee of \$575, and  
998 any other fee prescribed by law. The commission or office may  
999 require by rule that each officer, director, and ultimate  
1000 equitable owner of a 10-percent or greater interest in the  
1001 applicant submit a complete set of fingerprints. A fingerprint  
1002 card submitted to the office must be taken by an authorized law  
1003 enforcement agency if the fingerprint card is submitted to the  
1004 office in paper form. In addition to the fees prescribed in s.  
1005 215.405, the commission may prescribe by rule an additional fee,  
1006 not to exceed \$30, for processing the fingerprints. The  
1007 commission may prescribe by rule procedures for submitting  
1008 fingerprints and fees by electronic means to the office or to a  
1009 third party approved by the office. In order to implement the  
1010 submission and processing of fingerprints as specified by rule  
1011 under this section, the office may contract with a third party  
1012 or another state agency that provides fingerprinting services  
1013 officer.

1014 (6) Notwithstanding subsection (5), a transfer under  
1015 subsection (4) may be denied if the applicant, any principal  
1016 officer or director of the applicant, or any natural person  
1017 owning a 10-percent or greater interest in the applicant has  
1018 committed any violation specified in s. 494.0072, or has entered  
1019 a plea of nolo contendere, regardless of adjudication, or has an  
1020 action pending against the applicant in any criminal prosecution  
1021 or administrative enforcement action, in any jurisdiction, which

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involves fraud, dishonest dealing, or any act of moral turpitude.

(7) A license issued in accordance with this section is not transferable or assignable except as provided in subsection (4).

(8) Each person applying for a transfer of any branch office pursuant to subsection (4) must comply with the requirements of s. 494.0066.

(9) Each mortgage lender shall designate a principal representative who exercises control over the business and shall keep current the designation on a form prescribed by commission rule designating the principal representative. If the information on the form is not kept current, the business is considered to be operated by each officer, director, or equitable owner of a 10-percent or greater interest in the business.

(10) A lender shall notify the office of any change in the designation of its principal representative within 30 days. A new principal representative shall satisfy the educational and testing requirements of this section within 90 days after being designated as new principal representative. This requirement is satisfied if the principal representative has continuously served in the capacity of a principal representative for a licensed entity under this chapter for at least 1 year and has not had a lapse in designation as a principal representative of more than 2 years prior to the date of the submission of the application or amendment in the case of a change in the principal representative. This requirement is also satisfied if

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1050 the principal representative currently has an active mortgage  
1051 broker license in this state.

1052 Section 17. Subsection (2) of section 494.0066, Florida  
1053 Statutes, is amended to read:

1054 494.0066 Branch offices.--

1055 (2) The office shall issue a branch office license to a  
1056 licensee licensed under s. 494.0065(1) or a transfer licensee  
1057 after the office determines that the licensee has submitted upon  
1058 ~~receipt of~~ a completed branch office application form as  
1059 prescribed by rule by the commission and an initial  
1060 nonrefundable branch office license fee of \$325. The branch  
1061 office application must include the name and license number of  
1062 the licensee under ss. 494.006-494.0077, the name of the  
1063 licensee's employee in charge of the branch office, and the  
1064 address of the branch office. The branch office license shall be  
1065 issued in the name of the licensee under ss. 494.006-494.0077  
1066 and must be renewed in conjunction with the license renewal.

1067 Section 18. Paragraph (a) of subsection (10) of section  
1068 494.0067, Florida Statutes, is amended to read:

1069 494.0067 Requirements of licensees under ss. 494.006-  
1070 494.0077.--

1071 (10)(a) Each licensee shall require the principal  
1072 representative and all loan originators ~~or associates~~ who  
1073 perform services for the licensee to complete 14 hours of  
1074 professional continuing education during each biennial license  
1075 period. The education shall cover primary and subordinate  
1076 mortgage financing transactions and the provisions of this  
1077 chapter and the rules adopted under this chapter.

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Section 19. Paragraph (s) is added to subsection (2) of section 494.0072, Florida Statutes, to read:

494.0072 Administrative penalties and fines; license violations.--

(2) Each of the following acts constitutes a ground for which the disciplinary actions specified in subsection (1) may be taken:

(s) Payment to the office for a license or permit with a check or electronic transmission of funds which is dishonored by the applicant's or licensee's financial institution.

Section 20. Subsection (2) of section 494.00721, Florida Statutes, is amended to read:

494.00721 Net worth.--

(2) If a mortgage lender or correspondent mortgage lender fails to satisfy the net worth requirements, the mortgage lender or correspondent mortgage lender shall immediately cease taking any new mortgage loan applications. Thereafter, the mortgage lender or correspondent mortgage lender shall have up to 60 days within which to satisfy the net worth requirements. If the licensee makes the office aware, prior to an examination, that the licensee no longer meets the net worth requirements, the mortgage lender or correspondent mortgage lender shall have 120 days within which to satisfy the net worth requirements. A mortgage lender or correspondent mortgage lender shall not resume acting as a mortgage lender or correspondent mortgage lender without written authorization from the office, which authorization shall be granted if the mortgage lender or correspondent mortgage lender provides the office with



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documentation which satisfies the requirements of s.

~~494.0061(2)(1)(c)~~, s. ~~494.0062(2)(1)(c)~~, or s. 494.0065(2),  
whichever is applicable.

Section 21. Paragraph (c) of subsection (3) of section  
501.137, Florida Statutes, is amended to read:

501.137 Mortgage lenders; tax and insurance payments from  
escrow accounts; duties.--

(3)

(c) If the lender violates paragraph (a) and the premium  
payment is more than 90 days overdue or if the insurer refuses  
to reinstate the insurance policy, the lender shall pay the  
difference between the cost of the previous insurance policy and  
a new, comparable insurance policy for a period of 2 years. If  
the lender refuses, the lender shall be liable for the  
reasonable attorney's fees and costs of the property owner for a  
violation of this section.

Section 22. Section 516.03, Florida Statutes, is amended  
to read:

516.03 Application for license; fees; etc.--

(1) APPLICATION.--Application for a license to make loans  
under this chapter shall be in the form prescribed by rule of  
the commission, and shall contain the name, residence and  
business addresses of the applicant and, if the applicant is a  
copartnership or association, of every member thereof and, if a  
corporation, of each officer and director thereof, also the  
county and municipality with the street and number or  
approximate location where the business is to be conducted, and  
such further relevant information as the commission or office

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may require. At the time of making such application the applicant shall pay to the office a nonrefundable biennial license fee of \$625. Applications, except for applications to renew or reactivate a license, must also be accompanied by a nonrefundable ~~an~~ investigation fee of \$200. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$625, and any other fee prescribed by law. The commission may adopt rules to require ~~allow~~ electronic submission of any form, document, or fee required by this act if such rules reasonably accommodate technological or financial hardship. The commission may prescribe by rule requirements and procedures for obtaining an exemption due to a technological or financial hardship.

(2) FEES.--Fees herein provided for shall be collected by the office and shall be turned into the State Treasury to the credit of the regulatory trust fund under the office. The office shall have full power to employ such examiners or clerks to assist the office as may from time to time be deemed necessary and fix their compensation. The commission may adopt rules to require ~~allow~~ electronic submission of any fee required by this section if such rules reasonably accommodate technological or financial hardship. The commission may prescribe by rule requirements and procedures for obtaining an exemption due to a technological or financial hardship.

Section 23. Paragraph (a) of subsection (3) of section 516.031, Florida Statutes, is amended to read:

516.031 Finance charge; maximum rates.--

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(3) OTHER CHARGES.--

(a) In addition to the interest, delinquency, and insurance charges herein provided for, no further or other charges or amount whatsoever for any examination, service, commission, or other thing or otherwise shall be directly or indirectly charged, contracted for, or received as a condition to the grant of a loan, except:

1. An amount not to exceed \$25 ~~\$10~~ to reimburse a portion of the costs for investigating the character and credit of the person applying for the loan;

2. An annual fee of \$25 on the anniversary date of each line-of-credit account;

3. Charges paid for brokerage fee on a loan or line of credit of more than \$10,000, title insurance, and the appraisal of real property offered as security when paid to a third party and supported by an actual expenditure;

4. Intangible personal property tax on the loan note or obligation when secured by a lien on real property;

5. The documentary excise tax and lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing, recording, or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or at any time thereafter;

6. The premium payable for any insurance in lieu of perfecting any security interest otherwise required by the licensee in connection with the loan, if the premium does not exceed the fees which would otherwise be payable, which premium

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may be collected when the loan is made or at any time thereafter;

7. Actual and reasonable attorney's fees and court costs as determined by the court in which suit is filed;

8. Actual and commercially reasonable expenses of repossession, storing, repairing and placing in condition for sale, and selling of any property pledged as security; or

9. A delinquency charge not to exceed \$10 for each payment in default for a period of not less than 10 days, if the charge is agreed upon, in writing, between the parties before imposing the charge.

Any charges, including interest, in excess of the combined total of all charges authorized and permitted by this chapter constitute a violation of chapter 687 governing interest and usury, and the penalties of that chapter apply. In the event of a bona fide error, the licensee shall refund or credit the borrower with the amount of the overcharge immediately but within 20 days from the discovery of such error.

Section 24. Subsection (1) of section 516.05, Florida Statutes, is amended to read:

516.05 License.--

(1) Upon the filing of an application for a license and payment of all applicable fees, the office shall, unless the application is to renew or reactivate an existing license, make an investigation of the facts concerning the applicant's proposed activities. If the office determines that a license should be granted, it shall issue the license for a period not

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1217 to exceed 2 years. Biennial licensure periods and procedures for  
1218 renewal of licenses shall be established by the rule of the  
1219 commission. If the office determines that grounds exist under  
1220 this chapter for denial of an application other than an  
1221 application to renew a license, it shall deny such application,  
1222 ~~return to the applicant the sum paid as a license fee, and~~  
1223 ~~retain the investigation fee.~~

1224 Section 25. Paragraph (p) is added to subsection (1) of  
1225 section 516.07, Florida Statutes, to read:

1226 516.07 Grounds for denial of license or for disciplinary  
1227 action.--

1228 (1) The following acts are violations of this chapter and  
1229 constitute grounds for denial of an application for a license to  
1230 make consumer finance loans and grounds for any of the  
1231 disciplinary actions specified in subsection (2):

1232 (p) Payment to the office for a license or permit with a  
1233 check or electronic transmission of funds which is dishonored by  
1234 the applicant's or licensee's financial institution.

1235 Section 26. Subsection (3) is added to section 516.12,  
1236 Florida Statutes, to read:

1237 516.12 Records to be kept by licensee.--

1238 (3) The commission may prescribe by rule the minimum  
1239 information to be shown in the books, accounts, records, and  
1240 documents of licensees for purposes of enabling the office to  
1241 determine the licensee's compliance with ss. 516.001-516.36. In  
1242 addition, the commission may prescribe by rule the requirements  
1243 for destruction of books, accounts, records, and documents  
1244 retained by the licensee after completion of the time period

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specified in subsection (1). Notwithstanding the 2-year retention period specified in subsection (1), if the office identifies a statute of limitations in another civil or criminal state or federal law or rule which statute of limitations is reasonably related by subject matter to the administration of this chapter, the commission may identify that statute of limitations by rule and may prohibit the destruction of records required to be maintained by this chapter for a period of time, established by rule, which is reasonably related to such statute of limitations. The commission shall prescribe by rule those documents or records that are to be preserved under the identified statute of limitations.

Section 27. Subsection (9) of section 517.051, Florida Statutes, is amended to read:

517.051 Exempt securities.--The exemptions provided herein from the registration requirements of s. 517.07 are self-executing and do not require any filing with the office prior to claiming such exemption. Any person who claims entitlement to any of these exemptions bears the burden of proving such entitlement in any proceeding brought under this chapter. The registration provisions of s. 517.07 do not apply to any of the following securities:

(9) A security issued by a corporation organized and operated exclusively for religious, educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, no part of the net earnings of which corporation inures to the benefit of any private stockholder or individual, or any security of a fund that is excluded from the

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definition of an investment company under s. 3(c)(10)(B) of the Investment Company Act of 1940; provided that no person shall directly or indirectly offer or sell securities under this subsection except by an offering circular containing full and fair disclosure, as prescribed by the rules of the commission, of all material information, including, but not limited to, a description of the securities offered and terms of the offering, a description of the nature of the issuer's business, a statement of the purpose of the offering and the intended application by the issuer of the proceeds thereof, and financial statements of the issuer prepared in conformance with United States generally accepted accounting principles. Section 6(c) of the Philanthropy Protection Act of 1995, Pub. L. No. 104-62, shall not preempt any provision of this chapter.

Section 28. Subsection (18) of section 517.061, Florida Statutes, is amended to read:

517.061 Exempt transactions.--The exemption for each transaction listed below is self-executing and does not require any filing with the office prior to claiming such exemption. Any person who claims entitlement to any of the exemptions bears the burden of proving such entitlement in any proceeding brought under this chapter. The registration provisions of s. 517.07 do not apply to any of the following transactions; however, such transactions are subject to the provisions of ss. 517.301, 517.311, and 517.312:

(18) The offer or sale of any security effected by or through a person in compliance with ~~registered pursuant to~~ s. 517.12(17).

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Section 29. Paragraph (g) of subsection (3) of section 517.081, Florida Statutes, is amended to read:

517.081 Registration procedure.--

(3) The office may require the applicant to submit to the office the following information concerning the issuer and such other relevant information as the office may in its judgment deem necessary to enable it to ascertain whether such securities shall be registered pursuant to the provisions of this section:

(g)1. A specimen copy of the security and a copy of any circular, prospectus, advertisement, or other description of such securities.

2. The commission shall adopt a form for a simplified offering circular to be used solely by corporations to register, under this section, securities of the corporation that are sold in offerings in which the aggregate offering price in any consecutive 12-month period does not exceed the amount provided in s. 3(b) of the Securities Act of 1933. The following issuers shall not be eligible to submit a simplified offering circular adopted pursuant to this subparagraph:

a. An issuer seeking to register securities for resale by persons other than the issuer.

b. An issuer who is subject to any of the disqualifications described in 17 C.F.R. s. 230.262, adopted pursuant to the Securities Act of 1933, or who has been or is engaged or is about to engage in an activity that would be grounds for denial, revocation, or suspension under s. 517.111. For purposes of this subparagraph, an issuer includes an issuer's director, officer, shareholder who owns at least 10



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1329 percent of the shares of the issuer, promoter, or selling agent  
1330 of the securities to be offered or any officer, director, or  
1331 partner of such selling agent.

1332 c. An issuer who is a development-stage company that  
1333 either has no specific business plan or purpose or has indicated  
1334 that its business plan is to merge with an unidentified company  
1335 or companies.

1336 d. An issuer of offerings in which the specific business  
1337 or properties cannot be described.

1338 e. Any issuer the office determines is ineligible if the  
1339 form would not provide full and fair disclosure of material  
1340 information for the type of offering to be registered by the  
1341 issuer.

1342 f. Any corporation which has failed to provide the office  
1343 the reports required for a previous offering registered pursuant  
1344 to this subparagraph.

1345  
1346 As a condition precedent to qualifying for use of the simplified  
1347 offering circular, a corporation shall agree to provide the  
1348 office with an annual financial report containing a balance  
1349 sheet as of the end of the issuer's fiscal year and a statement  
1350 of income for such year, prepared in accordance with United  
1351 States generally accepted accounting principles and accompanied  
1352 by an independent accountant's report. If the issuer has more  
1353 than 100 security holders at the end of a fiscal year, the  
1354 financial statements must be audited. Annual financial reports  
1355 must be filed with the office within 90 days after the close of

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the issuer's fiscal year for each of the first 5 years following the effective date of the registration.

Section 30. Subsections (7), (10), (11), (15), and (17) of section 517.12, Florida Statutes, are amended to read:

517.12 Registration of dealers, associated persons, investment advisers, and branch offices.--

(7) The application shall also contain such information as the commission or office may require about the applicant; any partner, officer, or director of the applicant or any person having a similar status or performing similar functions; any person directly or indirectly controlling the applicant; or any employee of a dealer or of an investment adviser rendering investment advisory services. Each applicant shall file a complete set of fingerprints. A fingerprint card submitted to the office must be taken by an authorized law enforcement agency if the fingerprint card is submitted to the office in paper form. In addition to the fees prescribed in s. 215.405, the commission may prescribe by rule an additional fee, not to exceed \$30, for processing the fingerprints. The commission may prescribe by rule procedures for submitting fingerprints and fees by electronic means to the office or to a third party approved by the office. In order to implement the submission and processing of fingerprints as specified by rule under this section, the office may contract with a third party or another state agency that provides fingerprint services ~~officer~~. Such fingerprints shall be submitted to the Department of Law Enforcement or the Federal Bureau of Investigation for state and federal processing. The commission may waive, by rule, the

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1384 requirement that applicants must file a set of fingerprints or  
1385 the requirement that such fingerprints must be processed by the  
1386 Department of Law Enforcement or the Federal Bureau of  
1387 Investigation. The commission or office may require information  
1388 about any such applicant or person concerning such matters as:

1389 (a) His or her full name, and any other names by which he  
1390 or she may have been known, and his or her age, photograph,  
1391 qualifications, and educational and business history.

1392 (b) Any injunction or administrative order by a state or  
1393 federal agency, national securities exchange, or national  
1394 securities association involving a security or any aspect of the  
1395 securities business and any injunction or administrative order  
1396 by a state or federal agency regulating banking, insurance,  
1397 finance, or small loan companies, real estate, mortgage brokers,  
1398 or other related or similar industries, which injunctions or  
1399 administrative orders relate to such person.

1400 (c) His or her conviction of, or plea of nolo contendere  
1401 to, a criminal offense or his or her commission of any acts  
1402 which would be grounds for refusal of an application under s.  
1403 517.161.

1404 (d) The names and addresses of other persons of whom the  
1405 office may inquire as to his or her character, reputation, and  
1406 financial responsibility.

1407 (10) An applicant for registration shall pay an assessment  
1408 fee of \$200, in the case of a dealer or investment adviser, or  
1409 \$40, in the case of an associated person. The assessment fee of  
1410 an associated person shall be reduced to \$30, but only after the  
1411 office determines, by final order, that sufficient funds have

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1412 been allocated to the Securities Guaranty Fund pursuant to s.  
1413 517.1203 to satisfy all valid claims filed in accordance with s.  
1414 517.1203(2) and after all amounts payable under any service  
1415 contract entered into by the office pursuant to s. 517.1204, and  
1416 all notes, bonds, certificates of indebtedness, other  
1417 obligations, or evidences of indebtedness secured by such notes,  
1418 bonds, certificates of indebtedness, or other obligations, have  
1419 been paid or provision has been made for the payment of such  
1420 amounts, notes, bonds, certificates of indebtedness, other  
1421 obligations, or evidences of indebtedness. An associated person  
1422 ~~may not having current fingerprint cards filed with the National~~  
1423 ~~Association of Securities Dealers or a national securities~~  
1424 ~~exchange registered with the Securities and Exchange Commission~~  
1425 shall be assessed an additional fee to cover the cost for said  
1426 fingerprint cards to be processed by the office. Such fee shall  
1427 be determined by rule of the commission. Each dealer and each  
1428 investment adviser shall pay an assessment fee of \$100 for each  
1429 office in this state, except its designated principal office.  
1430 Such fees become the revenue of the state, except for those  
1431 assessments provided for under s. 517.131(1) until such time as  
1432 the Securities Guaranty Fund satisfies the statutory limits, and  
1433 are not returnable in the event that registration is withdrawn  
1434 or not granted.

1435 (11) If the office finds that the applicant is of good  
1436 repute and character and has complied with the provisions of  
1437 this chapter and the rules made pursuant hereto, it shall  
1438 register the applicant. The registration of each dealer,  
1439 investment adviser, and associated person expires ~~will expire~~ on

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1440 | December 31, of the year the registration became effective  
1441 | unless the registrant has renewed his or her registration on or  
1442 | before that date. ~~and~~ The registration of each branch office  
1443 | expires will expire on March 31 or, once the National  
1444 | Association of Securities Dealers develops the capacity to  
1445 | process branch office registration through the Central  
1446 | Registration Depository, December 31 of the year in which it  
1447 | became effective unless the registrant has renewed its  
1448 | registration on or before that date. The commission may  
1449 | establish by rule the initial year in which branch renewals  
1450 | shall be processed through the Central Registration Depository  
1451 | of the National Association of Securities Dealers. The  
1452 | commission may establish by rule procedures for renewing branch  
1453 | registrations through the Central Registration Depository.  
1454 | Registration may be renewed by furnishing such information as  
1455 | the commission may require, together with payment of the fee  
1456 | required in subsection (10) for dealers, investment advisers,  
1457 | associated persons, or branch offices and the payment of any  
1458 | amount lawfully due and owing to the office pursuant to any  
1459 | order of the office or pursuant to any agreement with the  
1460 | office. Any dealer, investment adviser, or associated person  
1461 | registrant who has not renewed a registration by the time the  
1462 | current registration expires may request reinstatement of such  
1463 | registration by filing with the office, on or before January 31  
1464 | of the year following the year of expiration, such information  
1465 | as may be required by the commission, together with payment of  
1466 | the fee required in subsection (10) for dealers, investment  
1467 | advisers, or associated persons and a late fee equal to the

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amount of such fee. Any reinstatement of registration granted by the office during the month of January shall be deemed effective retroactive to January 1 of that year.

(15) In lieu of filing with the office the applications specified in subsection (6), the fees required by subsection (10), and the termination notices required by subsection (12), the commission may by rule establish procedures for the deposit of such fees and documents with the Central Registration Depository or the Investment Advisor Registration Depository of the National Association of Securities Dealers, Inc., as developed under contract with the North American Securities Administrators Association, Inc.; provided, however, that such procedures shall provide the office with the information and data as required by this section.

(17)(a) A dealer that is located in Canada, does not have an and has no office or other physical presence in this state, and has made a notice filing in accordance with this subsection is exempt from the registration requirements of this section and ~~may, provided the dealer is registered in accordance with this section,~~ effect transactions in securities with or for, or induce or attempt to induce the purchase or sale of any security by:

1. A person from Canada who is present ~~temporarily resides~~ in this state and with whom the Canadian dealer had a bona fide dealer-client relationship before the person entered the United States; or

2. A person from Canada who is present in ~~a resident of~~ this state, and whose transactions are in a self-directed tax-

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1496 advantaged ~~tax-advantage~~ retirement plan in Canada of which the  
1497 person is the holder or contributor.

1498 (b) A notice filing under this subsection must consist of  
1499 documents that the commission by rule requires to be filed,  
1500 together with a consent to service of process and a filing fee  
1501 of \$200. The commission may establish by rule procedures for the  
1502 deposit of fees and the filing of documents to be made by  
1503 electronic means, if such procedures provide the office with the  
1504 information and data required by this section.

1505 (c) A Canadian dealer may make a notice filing under this  
1506 subsection if such dealer provides to the office:

1507 1. A notice filing in the form that the commission by rule  
1508 requires.

1509 2. A consent to service of process.

1510 3. Evidence that the Canadian dealer is registered as a  
1511 dealer in the jurisdiction in which its main office is located.

1512 4. Evidence that the Canadian dealer is a member of a  
1513 self-regulatory organization or stock exchange in Canada.

1514 (d) The office may issue a permit to evidence the  
1515 effectiveness of a notice filing for a Canadian dealer.

1516 (e) A notice filing is effective upon receipt. A notice  
1517 filing expires on December 31 of the year in which the filing  
1518 becomes effective unless the Canadian dealer has renewed the  
1519 filing on or before that date. A Canadian dealer may annually  
1520 renew a notice filing by furnishing to the office such  
1521 information as the office requires together with a renewal fee  
1522 of \$200 and the payment of any amount due and owing the office  
1523 pursuant to any agreement with the office. Any Canadian dealer

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1524 who has not renewed a notice filing by the time a current notice  
1525 filing expires may request reinstatement of such notice filing  
1526 by filing with the office, on or before January 31 of the year  
1527 following the year the notice filing expires, such information  
1528 as the commission requires, by rule, together with the payment  
1529 of \$200 and a late fee of \$200. Any reinstatement of a notice  
1530 filing granted by the office during the month of January is  
1531 effective retroactively to January 1 of that year.

1532 (f) An associated person who represents a Canadian dealer  
1533 who has made a notice filing under this subsection is exempt  
1534 from the registration requirements of this section and may  
1535 effect transactions in securities in this state as permitted for  
1536 a dealer under paragraph (a) if such person is registered in the  
1537 jurisdiction from which he or she is effecting transactions into  
1538 this state.

1539 (g) A Canadian dealer who has made a notice of filing  
1540 under this subsection shall:

1541 1. Maintain its provincial or territorial registration and  
1542 its membership in a self-regulatory organization or stock  
1543 exchange in good standing.

1544 2. Provide the office upon request with its books and  
1545 records relating to its business in this state as a dealer.

1546 3. Provide the office upon request notice of each civil,  
1547 criminal, or administrative action initiated against the dealer.

1548 4. Disclose to its clients in this state that the dealer  
1549 and its associated persons are not subject to the full  
1550 regulatory requirements under this chapter.



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1551        5. Correct any inaccurate information within 30 days after  
1552 the information contained in the notice of filing becomes  
1553 inaccurate for any reason.

1554        (h) An associated person representing a Canadian dealer  
1555 who has made a notice of filing under this subsection shall:

1556        1. Maintain provincial or territorial registration in good  
1557 standing.

1558        2. Provide the office upon request with notice of each  
1559 civil, criminal, or administrative action initiated against such  
1560 person.

1561        (i) A notice filing may be terminated by filing notice of  
1562 such termination with the office. Unless another date is  
1563 specified by the Canadian dealer, such notice is effective upon  
1564 its receipt by the office.

1565        (j) All fees collected under this subsection become the  
1566 revenue of the state, except for those assessments provided for  
1567 under s. 517.131(1), until the Securities Guaranty Fund has  
1568 satisfied the statutory limits, and these fees are not  
1569 returnable if a notice filing is withdrawn.

1570        ~~(b) An associated person who represents a Canadian dealer~~  
1571 ~~registered under this section may, provided the agent is~~  
1572 ~~registered in accordance with this section, effect transactions~~  
1573 ~~in securities in this state as permitted for a dealer, under~~  
1574 ~~subsection (a).~~

1575        ~~(c) A Canadian dealer may register under this section~~  
1576 ~~provided that such dealer:~~

1577        ~~1. Files an application in the form required by the~~  
1578 ~~jurisdiction in which the dealer has a head office.~~

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~~2. Files a consent to service of process.~~

~~3. Is registered as a dealer in good standing in the jurisdiction from which it is effecting transactions into this state and files evidence of such registration with the office.~~

~~4. Is a member of a self-regulatory organization or stock exchange in Canada.~~

~~(d) An associated person who represents a Canadian dealer registered under this section in effecting transactions in securities in this state may register under this section provided that such person:~~

~~1. Files an application in the form required by the jurisdiction in which the dealer has its head office.~~

~~2. Is registered in good standing in the jurisdiction from which he or she is effecting transactions into this state and files evidence of such registration with the office.~~

~~(e) If the office finds that the applicant is of good repute and character and has complied with the provisions of this chapter, the office shall register the applicant.~~

~~(f) A Canadian dealer registered under this section shall:~~

~~1. Maintain its provincial or territorial registration and its membership in a self-regulatory organization or stock exchange in good standing.~~

~~2. Provide the office upon request with its books and records relating to its business in this state as a dealer.~~

~~3. Provide the office notice of each civil, criminal, or administrative action initiated against the dealer.~~

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~~4. Disclose to its clients in this state that the dealer and its agents are not subject to the full regulatory requirements under this chapter.~~

~~5. Correct any inaccurate information within 30 days, if the information contained in the application form becomes inaccurate for any reason before or after the dealer becomes registered.~~

~~(g) An associated person of a Canadian dealer registered under this section shall:~~

~~1. Maintain provincial or territorial registration in good standing.~~

~~2. Provide the office with notice of each civil, criminal, or administrative action initiated against such person.~~

~~3. Through the dealer, correct any inaccurate information within 30 days, if the information contained in the application form becomes inaccurate for any reason before or after the associated person becomes registered.~~

~~(h) Renewal applications for Canadian dealers and associated persons under this section must be filed before December 31 each year. Every applicant for registration or renewal registration under this section shall pay the fee for dealers and associated persons under this chapter.~~

Section 31. Paragraphs (b) and (e) of subsection (3) of section 517.131, Florida Statutes, are amended, and subsection (5) is added to said section, to read:

517.131 Securities Guaranty Fund.--

(3) Any person is eligible to seek recovery from the Securities Guaranty Fund if:

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1633 (b) Such person has made all reasonable searches and  
1634 inquiries to ascertain whether the judgment debtor possesses  
1635 real or personal property or other assets subject to being sold  
1636 or applied in satisfaction of the judgment, and by her or his  
1637 search the person has discovered no property or assets; or she  
1638 or he has discovered property and assets and has taken all  
1639 necessary action and proceedings for the application thereof to  
1640 the judgment, but the amount thereby realized was insufficient  
1641 to satisfy the judgment. To verify compliance with such  
1642 condition, the office may require such person to have a writ of  
1643 execution be issued upon such judgment, ~~and may further~~ require  
1644 a showing that no personal or real property of the judgment  
1645 debtor liable to be levied upon in complete satisfaction of the  
1646 judgment can be found, or may require an affidavit from the  
1647 claimant setting forth the reasonable searches and inquiries  
1648 undertaken and the result.

1649 (e) The office waives compliance with the requirements of  
1650 paragraph (a) or paragraph (b). The office may waive such  
1651 compliance if the dealer, investment adviser, or associated  
1652 person which is the subject of the claim filed with the office  
1653 is the subject of any proceeding in which a receiver has been  
1654 appointed by a court of competent jurisdiction. If the office  
1655 waives such compliance, the office may, upon petition by the  
1656 claimant, the debtor, or the court-appointed trustee, examiner,  
1657 or receiver, distribute funds from the Securities Guaranty Fund  
1658 up to the amount allowed under s. 517.141. Any waiver granted  
1659 pursuant to this section shall be considered a judgment for

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purposes of complying with the requirements of this section and of s. 517.141.

(5) The commission may by rule specify the procedures for complying with subsections (2), (3), and (4), including rules for the form of submission and guidelines for the sufficiency and content of submissions of notices and claims.

Section 32. Subsections (2) and (5) of section 517.141, Florida Statutes, are amended, and subsection (11) is added to said section, to read:

517.141 Payment from the fund.--

(2) Regardless of the number of claims or claimants involved, payments for claims shall be limited in the aggregate to \$100,000 against any one dealer, investment adviser, or associated person. If the total claims exceed the aggregate limit of \$100,000, the office shall prorate the payment based upon the ratio that the person's claim bears to the total claims filed.

(5) If the final judgment ~~that~~ which gave rise to the claim is overturned in any appeal or in any collateral proceeding, the claimant shall reimburse the fund all amounts paid from the fund to the claimant on the claim. If the claimant satisfies the judgment referred to in s. 517.131(3)(a), the claimant shall reimburse the fund all amounts paid from the fund to the claimant on the claim. Such reimbursement shall be paid to the office within 60 days after the final resolution of the appellate or collateral proceedings or the satisfaction of judgment, with the 60-day period commencing on the date the final order or decision is entered in such proceedings.

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1688        (11) The commission may by rule specify the procedures for  
1689 complying with this section, including rules for the form of  
1690 submission and guidelines for the sufficiency and content of  
1691 submissions of notices and claims.

1692        Section 33. Subsection (1) of section 517.161, Florida  
1693 Statutes, is amended to read:

1694        517.161 Revocation, denial, or suspension of registration  
1695 of dealer, investment adviser, associated person, or branch  
1696 office.--

1697        (1) Registration under s. 517.12 may be denied or any  
1698 registration granted may be revoked, restricted, or suspended by  
1699 the office if the office determines that such applicant or  
1700 registrant:

1701        (a) Has violated any provision of this chapter or any rule  
1702 or order made under this chapter;

1703        (b) Has made a material false statement in the application  
1704 for registration;

1705        (c) Has been guilty of a fraudulent act in connection with  
1706 rendering investment advice or in connection with any sale of  
1707 securities, has been or is engaged or is about to engage in  
1708 making fictitious or pretended sales or purchases of any such  
1709 securities or in any practice involving the rendering of  
1710 investment advice or the sale of securities which is fraudulent  
1711 or in violation of the law;

1712        (d) Has made a misrepresentation or false statement to, or  
1713 concealed any essential or material fact from, any person in the  
1714 rendering of investment advice or the sale of a security to such  
1715 person;

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(e) Has failed to account to persons interested for all money and property received;

(f) Has not delivered, after a reasonable time, to persons entitled thereto securities held or agreed to be delivered by the dealer, broker, or investment adviser, as and when paid for, and due to be delivered;

(g) Is rendering investment advice or selling or offering for sale securities through any associated person not registered in compliance with the provisions of this chapter;

(h) Has demonstrated unworthiness to transact the business of dealer, investment adviser, or associated person;

(i) Has exercised management or policy control over or owned 10 percent or more of the securities of any dealer or investment adviser that has been declared bankrupt, or had a trustee appointed under the Securities Investor Protection Act; or is, in the case of a dealer or investment adviser, insolvent;

(j) Has been convicted of, or has entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or of the United States or of any other country or government which relates to registration as a dealer, investment adviser, issuer of securities, associated person, or branch office; which relates to the application for such registration; or which involves moral turpitude or fraudulent or dishonest dealing;

(k) Has had a final judgment entered against her or him in a civil action upon grounds of fraud, embezzlement, misrepresentation, or deceit;

(l) Is of bad business repute; ~~or~~

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(m) Has been the subject of any decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or by any state or federal agency, national securities, commodities, or option exchange, or national securities, commodities, or option association, involving a violation of any federal or state securities or commodities law or any rule or regulation promulgated thereunder, or any rule or regulation of any national securities, commodities, or options exchange or national securities, commodities, or options association, or has been the subject of any injunction or adverse administrative order by a state or federal agency regulating banking, insurance, finance or small loan companies, real estate, mortgage brokers, or other related or similar industries. For purposes of this subsection, the office may not deny registration to any applicant who has been continuously registered with the office for 5 years from the entry of such decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order provided such decision, finding, injunction, suspension, prohibition, revocation, denial, judgment, or administrative order has been timely reported to the office pursuant to the commission's rules; ~~or~~.

(n) Made payment to the office for a license or permit with a check or electronic transmission of funds which is dishonored by the applicant's or registrant's financial institution.



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1772 Section 34. Subsections (2) and (3) of section 520.03,  
1773 Florida Statutes, are amended to read:

1774 520.03 Licenses.--

1775 (2) An application for a license under this part must be  
1776 submitted to the office in such form as the commission may  
1777 prescribe by rule. If the office determines that an application  
1778 should be granted, it shall issue the license for a period not  
1779 to exceed 2 years. A nonrefundable application fee of \$175 shall  
1780 accompany an initial application for the principal place of  
1781 business and each application for a branch location of a retail  
1782 installment seller who is required to be licensed under this  
1783 chapter. An application is considered received for purposes of  
1784 s. 120.60 upon receipt of a completed application form as  
1785 prescribed by commission rule, a nonrefundable application fee  
1786 of \$175, and any other fee prescribed by law.

1787 (3) The nonrefundable renewal fee for a motor vehicle  
1788 retail installment seller license shall be \$175. The commission  
1789 shall establish by rule biennial licensure periods and  
1790 procedures for renewal of licenses. A license that is not  
1791 renewed by the end of the biennium established by the commission  
1792 shall revert from active to inactive status. An inactive license  
1793 may be reactivated within 6 months after becoming inactive upon  
1794 filing a completed reactivation form, payment of the  
1795 nonrefundable renewal fee, and payment of a nonrefundable  
1796 reactivation fee equal to the renewal fee. A license that is not  
1797 reactivated within 6 months after becoming inactive  
1798 automatically expires.

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Section 35. Subsections (2) and (3) of section 520.32, Florida Statutes, are amended to read:

520.32 Licenses.--

(2) An application for a license under this part must be submitted to the office in such form as the commission may prescribe by rule. If the office determines that an application should be granted, it shall issue the license for a period not to exceed 2 years. A nonrefundable application fee of \$175 shall accompany an initial application for the principal place of business and each application for a branch location of a retail installment seller. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$175, and any other fee prescribed by law.

(3) The nonrefundable renewal fee for a retail seller license shall be \$175. Biennial licensure periods and procedures for renewal of licenses may also be established by the commission by rule. A license that is not renewed at the end of the biennium established by the commission shall revert from active to inactive status. An inactive license may be reactivated within 6 months after becoming inactive upon filing a completed reactivation form, payment of the nonrefundable renewal fee, and payment of a reactivation fee equal to the nonrefundable renewal fee. A license that is not reactivated within 6 months after becoming inactive automatically expires.

Section 36. Subsections (2) and (3) of section 520.52, Florida Statutes, are amended to read:

520.52 Licensees.--

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(2) An application for a license under this part must be submitted to the office in such form as the commission may prescribe by rule. If the office determines that an application should be granted, it shall issue the license for a period not to exceed 2 years. A nonrefundable application fee of \$175 shall accompany an initial application for the principal place of business and each branch location of a sales finance company. An application is considered received for purposes of s. 120.60 upon receipt of a completed application form as prescribed by commission rule, a nonrefundable application fee of \$175, and any other fee prescribed by law.

(3) The nonrefundable renewal fee for a sales finance company license shall be \$175. Biennial licensure periods and procedures for renewal of licenses may also be established by the commission by rule. A license that is not renewed at the end of the biennium established by the commission shall revert from active to inactive status. An inactive license may be reactivated within 6 months after becoming inactive upon filing a completed reactivation form, payment of the nonrefundable renewal fee, and payment of a reactivation fee equal to the nonrefundable renewal fee. A license that is not reactivated within 6 months after becoming inactive automatically expires.

Section 37. Subsections (2) and (3) of section 520.63, Florida Statutes, are amended to read:

520.63 Licensees.--

(2) An application for a license under this part must be submitted to the office in such form as the commission may prescribe by rule. If the office determines that an application

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1855 should be granted, it shall issue the license for a period not  
1856 to exceed 2 years. A nonrefundable application fee of \$175 shall  
1857 accompany an initial application for the principal place of  
1858 business and each application for a branch location of a home  
1859 improvement finance seller. An application is considered  
1860 received for purposes of s. 120.60 upon receipt of a completed  
1861 application form as prescribed by commission rule, a  
1862 nonrefundable application fee of \$175, and any other fee  
1863 prescribed by law.

1864 (3) The nonrefundable renewal fee for a home improvement  
1865 finance license shall be \$175. Biennial licensure periods and  
1866 procedures for renewal of licenses may also be established by  
1867 the commission by rule. A license that is not renewed at the end  
1868 of the biennium established by the commission shall  
1869 automatically revert from active to inactive status. An inactive  
1870 license may be reactivated within 6 months after becoming  
1871 inactive upon filing a completed reactivation form, payment of  
1872 the nonrefundable renewal fee, and payment of a nonrefundable  
1873 reactivation fee equal to the renewal fee. A license that is not  
1874 reactivated within 6 months after becoming inactive  
1875 automatically expires.

1876 Section 38. Subsection (5) of section 520.994, Florida  
1877 Statutes, is amended to read:

1878 520.994 Powers of office.--

1879 (5) The office shall administer and enforce this chapter.  
1880 The commission has authority to adopt rules pursuant to ss.  
1881 120.536(1) and 120.54 to implement the provisions of this  
1882 chapter. The commission may adopt rules to require ~~allow~~

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electronic submission of any form, document, or fee required by this chapter if such rules reasonably accommodate technological or financial hardship. The commission may prescribe by rule requirements and procedures for obtaining an exemption due to a technological or financial hardship.

Section 39. Paragraph (k) is added to subsection (1) of section 520.995, Florida Statutes, to read:

520.995 Grounds for disciplinary action.--

(1) The following acts are violations of this chapter and constitute grounds for the disciplinary actions specified in subsection (2):

(k) Payment to the office for a license or permit with a check or electronic transmission of funds which is dishonored by the applicant's or licensee's financial institution.

Section 40. Subsection (4) of section 520.997, Florida Statutes, is amended to read:

520.997 Books, accounts, and records.--

(4) The commission may prescribe by rule the minimum information to be shown in the books, accounts, documents, and records of licensees so that such records will enable the office to determine compliance with ~~the provisions of~~ this chapter. In addition, the commission may prescribe by rule the requirements for destruction of books, accounts, records, and documents retained by the licensee after completion of the time period specified in subsection (3). Notwithstanding the 2-year retention period specified in subsection (3), if the office identifies a statute of limitations in another civil or criminal law or federal law or rule which statute of limitations is

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reasonably related by subject matter to the administration of  
this chapter, the commission may identify that statute of  
limitations by rule and may prohibit the destruction of records  
required to be maintained by this chapter for a period of time,  
established by rule, which is reasonably related to such statute  
of limitations. The commission shall prescribe by rule those  
documents or records that are to be preserved under the  
identified statute of limitations.

Section 41. Subsection (5) of section 537.009, Florida  
Statutes, is amended to read:

537.009 Recordkeeping; reporting; safekeeping of  
property.--

(5) The commission may prescribe by rule the books,  
accounts, documents, and records, and the minimum information to  
be shown in the books, accounts, documents, and records, of  
licensees so that such records will enable the office to  
determine compliance with the provisions of this act. In  
addition, the commission may prescribe by rule the requirements  
for destruction of books, accounts, records, and documents  
retained by the licensee after completion of the time period  
specified in subsection (3). Notwithstanding the 2-year  
retention period specified in subsection (3), if the office  
identifies a statute of limitations in another civil or criminal  
law or federal law or rule which statute of limitations is  
reasonably related by subject matter to the administration of  
this chapter, the commission may identify that statute of  
limitations by rule and may prohibit the destruction of records  
required to be maintained by this chapter for a period of time,

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1939 established by rule, which is reasonably related to such statute  
1940 of limitations. The commission shall prescribe by rule those  
1941 documents or records that are to be preserved under the  
1942 identified statute of limitations.

1943 Section 42. Subsection (3) is added to section 560.105,  
1944 Florida Statutes, to read:

1945 560.105 Supervisory powers; rulemaking.--

1946 (3) The commission may adopt rules that require electronic  
1947 submission of any forms, documents, or fees required by this act  
1948 if such rules reasonably accommodate technological or financial  
1949 hardship. The commission may prescribe by rule requirements and  
1950 procedures for obtaining an exemption due to a technological or  
1951 financial hardship.

1952 Section 43. Paragraph (y) is added to subsection (1) of  
1953 section 560.114, Florida Statutes, to read:

1954 560.114 Disciplinary actions.--

1955 (1) The following actions by a money transmitter or money  
1956 transmitter-affiliated party are violations of the code and  
1957 constitute grounds for the issuance of a cease and desist order,  
1958 the issuance of a removal order, the denial of a registration  
1959 application or the suspension or revocation of any registration  
1960 previously issued pursuant to the code, or the taking of any  
1961 other action within the authority of the office pursuant to the  
1962 code:

1963 (y) Payment to the office for a license or permit with a  
1964 check or electronic transmission of funds which is dishonored by  
1965 the applicant's or licensee's financial institution.

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Section 44. Paragraph (b) of subsection (2) of section 560.118, Florida Statutes, is amended to read:

560.118 Examinations, reports, and internal audits; penalty.--

(2)

(b) The commission may, by rule, require each money transmitter or authorized vendor to submit quarterly reports to the office. The commission may adopt rules that require electronic submission of any forms, documents, or fees required by this act if such rules reasonably accommodate technological or financial hardship. The commission may prescribe by rule requirements and procedures for obtaining an exemption due to a technological or financial hardship. The commission may require that each report contain a declaration by an officer, or any other responsible person authorized to make such declaration, that the report is true and correct to the best of her or his knowledge and belief. Such report must include such information as the commission by rule requires for that type of money transmitter.

Section 45. Subsection (2) of section 560.121, Florida Statutes, is amended to read:

560.121 Records; limited restrictions upon public access.--

(2) The commission may prescribe by rule the minimum information that must be shown in the books, accounts, records, and documents of licensees for purposes of enabling the office to determine the licensee's compliance with ss. 560.101-560.408. In addition, the commission may prescribe by rule the



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requirements for destruction of books, accounts, records, and documents retained by the licensee after completion of the time period specified in this subsection. Notwithstanding the 3-year retention period specified in this subsection, if the office identifies a statute of limitations in another civil or criminal law or federal law or rule which statute of limitations is reasonably related by subject matter to the administration of this chapter, the commission may identify that statute of limitations by rule and may prohibit the destruction of records required to be maintained by this chapter for a period of time, established by rule, which is reasonably related to such statute of limitations. The commission shall prescribe by rule those documents or records that are to be preserved under the identified statute of limitations. Examination reports, investigatory records, applications, and related information compiled by the office, or photographic copies thereof, shall be retained by the office for a period of at least 3 years following the date that the examination or investigation ceases to be active. Application records, and related information compiled by the office, or photographic copies thereof, shall be retained by the office for a period of at least 2 years following the date that the registration ceases to be active.

Section 46. Section 560.126, Florida Statutes, is amended to read:

560.126 Significant events; notice required.--

(1) Unless exempted by the office, every money transmitter must provide the office with a written notice within 30 ~~15~~ days

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after the occurrence or knowledge of, whichever period of time is greater, any of the following events:

(a)~~(1)~~ The filing of a petition under the United States Bankruptcy Code for bankruptcy or reorganization by the money transmitter.

(b)~~(2)~~ The commencement of any registration suspension or revocation proceeding, either administrative or judicial, or the denial of any original registration request or a registration renewal, by any state, the District of Columbia, any United States territory, or any foreign country, in which the money transmitter operates or plans to operate or has registered to operate.

(c)~~(3)~~ A felony indictment relating to the money transmission business involving the money transmitter or a money transmitter-affiliated party of the money transmitter.

(d)~~(4)~~ The felony conviction, guilty plea, or plea of nolo contendere, if the court adjudicates the nolo contendere pleader guilty, or the adjudication of guilt of a money transmitter or money transmitter-affiliated party.

(e)~~(5)~~ The interruption of any corporate surety bond required by the code.

(f)~~(6)~~ Any suspected criminal act, as defined by the commission by rule, perpetrated in this state against a money transmitter or authorized vendor.

However, a person does not incur liability ~~no liability shall be incurred by any person~~ as a result of making a good-faith ~~good faith~~ effort to fulfill this disclosure requirement.

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(2) If the information contained in any registration application or any amendment thereto has changed, the registrant shall, within 30 days after the change occurs, file an amendment correcting the information on forms prescribed by the commission.

Section 47. Section 560.205, Florida Statutes, is amended to read:

560.205 Qualifications of applicant for registration; contents.--

(1) To qualify for registration under this part, an applicant must demonstrate to the office such character and general fitness as to command the confidence of the public and warrant the belief that the registered business will be operated lawfully and fairly. The office may investigate each applicant to ascertain whether the qualifications and requirements prescribed by this part have been met. The office's investigation may include a criminal background investigation of all controlling shareholders, principals, officers, directors, members, and responsible persons of a funds transmitter and a payment instrument seller and all persons designated by a funds transmitter or payment instrument seller as an authorized vendor. Each controlling shareholder, principal, officer, director, member, and responsible person of a funds transmitter or payment instrument seller, unless the applicant is a publicly traded corporation as defined by the commission by rule, a subsidiary thereof, or a subsidiary of a bank or bank holding company organized and regulated under the laws of any state or the United States, shall file a complete set of fingerprints. A

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2077 fingerprint card submitted to the office must be taken by an  
2078 authorized law enforcement agency if the fingerprint card is  
2079 submitted to the office in paper form. In addition to the fees  
2080 prescribed in s. 215.405, the commission may prescribe by rule  
2081 an additional fee, not to exceed \$30, for processing the  
2082 fingerprints. The commission may prescribe by rule procedures  
2083 for submitting fingerprints and fees by electronic means to the  
2084 office or to a third party approved by the office. In order to  
2085 implement the submission and processing of fingerprints as  
2086 specified by rule under this section, the office may contract  
2087 with a third party or another state agency that provides  
2088 fingerprinting services ~~officer~~. Such fingerprints must be  
2089 submitted to the Department of Law Enforcement or the Federal  
2090 Bureau of Investigation for state and federal processing. The  
2091 commission may waive by rule the requirement that applicants  
2092 file a set of fingerprints or the requirement that such  
2093 fingerprints be processed by the Department of Law Enforcement  
2094 or the Federal Bureau of Investigation.

2095 (2) Each application for registration must be submitted  
2096 under oath to the office on such forms as the commission  
2097 prescribes by rule and must be accompanied by a nonrefundable  
2098 application fee. The commission may establish by rule procedures  
2099 for depositing fees and filing documents by electronic means.  
2100 Such fee may not exceed \$500 for each payment instrument seller  
2101 or funds transmitter and \$50 for each authorized vendor or  
2102 location operating within this state. The application must  
2103 contain ~~forms shall set forth~~ such information as the commission  
2104 ~~reasonably~~ requires by rule, including, but not limited to:

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(a) The name and address of the applicant, including any fictitious or trade names used by the applicant in the conduct of its business.

(b) The history of the applicant's material litigation, criminal convictions, pleas of nolo contendere, and cases of adjudication withheld.

(c) A description of the activities conducted by the applicant, the applicant's history of operations, and the business activities in which the applicant seeks to engage in this state.

~~(d) A list identifying the applicant's proposed authorized vendors in this state, including the location or locations in this state at which the applicant and its authorized vendors propose to conduct registered activities.~~

(d)~~(e)~~ A sample authorized vendor contract, if applicable.

(e)~~(f)~~ A sample form of payment instrument, if applicable.

(f)~~(g)~~ The name and address of the clearing financial institution or financial institutions through which the applicant's payment instruments will be drawn or through which such payment instruments will be payable.

(g)~~(h)~~ Documents revealing that the net worth and bonding requirements specified in s. 560.209 have been or will be fulfilled.

(3) Each application for registration by an applicant that is a corporation shall contain ~~also set forth~~ such information as the commission ~~reasonably~~ requires by rule, including, but not limited to:

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2132 (a) The date of the applicant's incorporation and state of  
2133 incorporation.

2134 (b) A certificate of good standing from the state or  
2135 country in which the applicant was incorporated.

2136 (c) A description of the corporate structure of the  
2137 applicant, including the identity of any parent or subsidiary of  
2138 the applicant, and the disclosure of whether any parent or  
2139 subsidiary is publicly traded on any stock exchange.

2140 (d) The name, business and residence addresses, and  
2141 employment history for the past 5 years for each executive  
2142 officer, each director, each controlling shareholder, and the  
2143 responsible person who will be in charge of all the applicant's  
2144 business activities in this state.

2145 (e) The history of material litigation and criminal  
2146 convictions, pleas of nolo contendere, and cases of adjudication  
2147 withheld for each ~~executive~~ officer, each director, each  
2148 controlling shareholder, and the responsible person who will be  
2149 in charge of the applicant's registered activities.

2150 (f) Copies of the applicant's audited financial statements  
2151 for the current year and, if available, for the immediately  
2152 preceding 2-year period. In cases where the applicant is a  
2153 wholly owned subsidiary of another corporation, the parent's  
2154 consolidated audited financial statements may be submitted to  
2155 satisfy this requirement. An applicant who is not required to  
2156 file audited financial statements may satisfy this requirement  
2157 by filing unaudited financial statements verified under penalty  
2158 of perjury, as provided by the commission by rule.

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(g) An applicant who is not required to file audited financial statements may file copies of the applicant's unconsolidated, unaudited financial statements for the current year and, if available, for the immediately preceding 2-year period.

(h) If the applicant is a publicly traded company, copies of all filings made by the applicant with the United States Securities and Exchange Commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application.

(4) Each application for registration submitted to the office by an applicant that is not a corporation shall contain ~~also set forth~~ such information as the commission ~~reasonably~~ requires by rule, including, but not limited to:

(a) Evidence that the applicant is registered to do business in this state.

(b) The name, business and residence addresses, personal financial statement, and employment history for the past 5 years for each individual having a controlling ownership interest in the applicant, and each responsible person who will be in charge of the applicant's registered activities.

(c) The history of material litigation and criminal convictions, pleas of nolo contendere, and cases of adjudication withheld for each individual having a controlling ownership interest in the applicant and each responsible person who will be in charge of the applicant's registered activities.

(d) Copies of the applicant's audited financial statements for the current year, and, if available, for the preceding 2

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years. An applicant who is not required to file audited financial statements may satisfy this requirement by filing unaudited financial statements verified under penalty of perjury, as provided by the commission by rule.

(5) Each applicant shall designate and maintain an agent in this state for service of process.

(6) Changes in registration occasioned by changes in personnel of a partnership or in the principals, members, partners, officers, directors, controlling shareholders, or responsible persons of a money transmitter or by changes of any material fact or method of doing business shall be reported by written amendment in such form and at such time as the commission specifies by rule.

Section 48. Section 560.207, Florida Statutes, is amended to read:

560.207 Renewal of registration; registration fee.--

(1) Registration may be renewed for a 24-month period or the remainder of any such period without proration following the date of its expiration by furnishing such information as the commission requires by rule, together with the payment of the fees required under subsections (2), (3), and (4), ~~upon the filing with the office of an application and other statements and documents as may reasonably be required of registrants by the commission.~~ The commission may establish by rule procedures for depositing fees and filing documents by electronic means. ~~However, the registrant must remain qualified for such registration under the provisions of this part.~~



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2214       (2) Each application for renewal of All registration must  
2215 ~~renewal applications shall be accompanied by a nonrefundable~~  
2216 ~~renewal fee not to exceed \$1,000. A registration expires on~~  
2217 ~~April 30 of the year in which the existing registration expires,~~  
2218 ~~unless the registrant has renewed his or her registration on or~~  
2219 ~~before that date. All renewal applications must be filed on or~~  
2220 ~~after January 1 of the year in which the existing registration~~  
2221 ~~expires, but before the expiration date of April 30. If the~~  
2222 ~~renewal application is filed prior to the expiration date of an~~  
2223 ~~existing registration, no late fee shall be paid in connection~~  
2224 ~~with such renewal application. If the renewal application is~~  
2225 ~~filed within 60 calendar days after the expiration date of an~~  
2226 ~~existing registration, then, in addition to the \$1,000 renewal~~  
2227 ~~fee, the renewal application shall be accompanied by a~~  
2228 ~~nonrefundable late fee of \$500. If the registrant has not filed~~  
2229 ~~a renewal application within 60 calendar days after the~~  
2230 ~~expiration date of an existing registration, a new application~~  
2231 ~~shall be filed with the office pursuant to s. 560.205.~~

2232       (3) In addition to the renewal fee required under  
2233 subsection (2), each registrant must pay ~~Every registration~~  
2234 ~~renewal application shall also include a 2-year nonrefundable~~  
2235 ~~registration renewal fee of \$50 for each authorized vendor or~~  
2236 ~~location operating within this state or, at the option of the~~  
2237 ~~registrant, a total 2-year nonrefundable renewal fee of \$20,000~~  
2238 ~~may be paid to renew the registration of all such locations~~  
2239 ~~currently registered at the time of renewal.~~

2240       (4) A registration may be reinstated only if the renewal  
2241 fee and a nonrefundable late fee of \$500 are filed within 60

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calendar days after the expiration of the existing registration.  
The office must grant a reinstatement of registration for which  
application is filed during the 60 calendar days, and the  
reinstatement is effective upon receipt of the required fees and  
any information that the commission requires by rule. If the  
registrant has not filed application for reinstatement of the  
registration within the 60 calendar days after the expiration of  
an existing registration, the registration expires, and a new  
application must be filed with the office pursuant to s.  
560.205.

Section 49. Subsection (1) of section 560.210, Florida  
Statutes, is amended to read:

560.210 Permissible investments.--

(1) A registrant shall at all times possess permissible  
investments with an aggregate market value calculated in  
accordance with United States generally accepted accounting  
principles of not less than the aggregate face amount of all  
outstanding funds transmissions ~~transmitted~~ and ~~outstanding~~  
payment instruments issued or sold by the registrant or an  
authorized vendor in the United States.

Section 50. Subsection (2) of section 560.211, Florida  
Statutes, is amended to read:

560.211 Records.--

(2) The records required to be maintained by the code may  
be maintained by the registrant at any location, provided that  
the registrant notifies the office in writing of the location of  
the records in its application or otherwise by amendment as  
prescribed by commission rule. The registrant shall make such

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records available to the office for examination and investigation in this state, as permitted by the code, within 7 days after receipt of a written request.

Section 51. Section 560.305, Florida Statutes, is amended to read:

560.305 Application.--Each application for registration ~~must shall~~ be in writing and under oath to the office, in such form as the commission prescribes. The commission may establish by rule procedures for depositing fees and filing documents by electronic means. The application must contain such information as the commission requires by rule, including, but not limited to ~~shall include the following:~~

(1) The legal name and residence and business addresses of the applicant if the applicant is a natural person, or, if the applicant is a partnership, association, or corporation, the name of every partner, officer, or director thereof.

(2) The location of the principal office of the applicant.

(3) The complete address of any other locations at which the applicant proposes to engage in such activities since the provisions of registration apply to each and every operating location of a registrant.

(4) Such other information as the commission or office reasonably requires with respect to the applicant or any money transmitter-affiliated party of the applicant; however, the commission or office may not require more information than is specified in part II.

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2296 Section 52. Subsections (1) and (4) of section 560.306,  
2297 Florida Statutes, are amended, and subsection (6) is added to  
2298 said section, to read:

2299 560.306 Standards.--

2300 (1) In order to qualify for registration under this part,  
2301 an applicant must demonstrate to the office that he or she has  
2302 such character and general fitness as will command the  
2303 confidence of the public and warrant the belief that the  
2304 registered business will be operated lawfully and fairly. The  
2305 office may investigate each applicant to ascertain whether the  
2306 qualifications and requirements prescribed by this part have  
2307 been met. The office's investigation may include a criminal  
2308 background investigation of all controlling shareholders,  
2309 principals, officers, directors, members, and responsible  
2310 persons of a check casher and a foreign currency exchanger and  
2311 all persons designated by a foreign currency exchanger or check  
2312 casher as an authorized vendor. Each controlling shareholder,  
2313 principal, officer, director, member, and responsible person of  
2314 a check casher or foreign currency exchanger, unless the  
2315 applicant is a publicly traded corporation as defined by the  
2316 commission by rule, a subsidiary thereof, or a subsidiary of a  
2317 bank or bank holding company organized and regulated under the  
2318 laws of any state or the United States, shall file a complete  
2319 set of fingerprints. A fingerprint card submitted to the office  
2320 must be taken by an authorized law enforcement agency if the  
2321 fingerprint card is submitted to the office in paper form. In  
2322 addition to the fees prescribed in s. 215.405, the commission  
2323 may prescribe by rule an additional fee, not to exceed \$30, for

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2324 processing the fingerprints. The commission may prescribe by  
2325 rule procedures for submitting fingerprints and fees by  
2326 electronic means to the office or to a third party approved by  
2327 the office. In order to implement the submission and processing  
2328 of fingerprints as specified by rule under this section, the  
2329 office may contract with a third party or another state agency  
2330 that provides fingerprinting services ~~officer~~. Such fingerprints  
2331 must be submitted to the Department of Law Enforcement or the  
2332 Federal Bureau of Investigation for state and federal  
2333 processing. The commission may waive by rule the requirement  
2334 that applicants file a set of fingerprints or the requirement  
2335 that such fingerprints be processed by the Department of Law  
2336 Enforcement or the Federal Bureau of Investigation.

2337 (4) Each registration application and renewal application  
2338 must specify the location at which the applicant proposes to  
2339 establish its principal place of business and any other  
2340 location, including authorized vendors operating in this state.  
2341 The registrant shall notify the office of any changes to any  
2342 such locations. ~~Any registrant may satisfy this requirement by~~  
2343 ~~providing the office with a list of such locations, including~~  
2344 ~~all authorized vendors operating in this state, not less than~~  
2345 ~~annually.~~ A registrant may not transact business as a check  
2346 cashier or a foreign currency exchanger except pursuant to the  
2347 name under which it is registered.

2348 (6) Changes in registration occasioned by changes in  
2349 personnel of a partnership or in the principals, members,  
2350 partners, officers, directors, controlling shareholders, or  
2351 responsible persons of a money transmitter or by changes of any

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2352 material fact or method of doing business shall be reported by  
2353 written amendment in such form and at such time as the  
2354 commission specifies by rule.

2355 Section 53. Section 560.308, Florida Statutes, is amended  
2356 to read:

2357 560.308 Registration terms; renewal; renewal fees.--

2358 (1) Registration may be renewed for a 24-month period or  
2359 the remainder of any such period without proration following the  
2360 date of its expiration, by furnishing such information as the  
2361 commission requires by rule, together with the payment of the  
2362 fees required under subsections (2), (3), and (4). The  
2363 commission may establish by rule procedures for depositing fees  
2364 and filing documents by electronic means. ~~Registration pursuant~~  
2365 ~~to this part shall remain effective through the remainder of the~~  
2366 ~~second calendar year following its date of issuance unless~~  
2367 ~~during such calendar year the registration is surrendered,~~  
2368 ~~suspended, or revoked.~~

2369 (2) Each application for renewal of registration must be  
2370 accompanied by ~~The office shall renew registration upon receipt~~  
2371 ~~of a completed renewal form and payment of a nonrefundable~~  
2372 ~~renewal fee not to exceed \$500.~~ The registration expires on  
2373 December 31 of the year in which the existing registration  
2374 expires, unless the registrant has renewed his or her  
2375 registration on or before that date. ~~The completed renewal form~~  
2376 ~~and payment of the renewal fee shall occur on or after June 1 of~~  
2377 ~~the year in which the existing registration expires.~~

2378 (3) In addition to the renewal fee required by subsection  
2379 (2), each registrant must pay a 2-year nonrefundable

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2380 registration renewal fee of \$50 for each authorized vendor or  
2381 location operating within this state or, at the option of the  
2382 registrant, a total 2-year nonrefundable renewal fee of \$20,000  
2383 may be paid to renew the registration of all such locations  
2384 currently registered at the time of renewal.

2385 (4) ~~Registration that is not renewed on or before the~~  
2386 ~~expiration date of the registration period automatically~~  
2387 ~~expires.~~ A renewal ~~application and fee,~~ and a nonrefundable late  
2388 fee of \$250~~7~~, must be filed within 60 calendar days after the  
2389 expiration of an existing registration in order for the  
2390 registration to be reinstated. The office must grant a  
2391 reinstatement of registration for which application is filed  
2392 during the 60 calendar days, and the reinstatement is effective  
2393 upon receipt of the required fees and any information that the  
2394 commission requires by rule. If the registrant has not filed an  
2395 ~~a renewal~~ application for reinstatement within 60 calendar days  
2396 after the expiration date of an existing registration, the  
2397 registration expires and a new application must be filed with  
2398 the office pursuant to s. 560.307.

2399 Section 54. Subsection (2) of section 560.310, Florida  
2400 Statutes, is amended to read:

2401 560.310 Records of check cashers and foreign currency  
2402 exchangers.--

2403 (2) The records required to be maintained by the code may  
2404 be maintained by the registrant at any location, provided that  
2405 the registrant notifies the office, in writing, of the location  
2406 of the records in its application or otherwise by amendment as  
2407 prescribed by commission rule. The registrant shall make such

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2408 records available to the office for examination and  
2409 investigation in this state, as permitted by the code, within 7  
2410 days after receipt of a written request.

2411 Section 55. Subsections (2) and (4) of section 560.403,  
2412 Florida Statutes, are amended to read:

2413 560.403 Requirements of registration; declaration of  
2414 intent.--

2415 (2) A registrant under this part shall renew his or her  
2416 intent to engage in the business of deferred presentment  
2417 transactions or to act as a deferred presentment provider upon  
2418 renewing his or her registration under part II or part III and  
2419 shall do so by indicating his or her intent ~~on the renewal form~~  
2420 ~~and~~ by submitting a nonrefundable deferred presentment provider  
2421 renewal fee of \$1,000, in addition to any fees required for  
2422 renewal of registration under part II or part III.

2423 (4) The notice of intent of a registrant under this part  
2424 who fails to timely renew his or her intent to engage in the  
2425 business of deferred presentment transactions or to act as a  
2426 deferred presentment provider on or before the expiration date  
2427 of the registration period automatically expires. A renewal  
2428 ~~declaration of intent and fee,~~ and a nonrefundable late fee of  
2429 \$500~~7~~ must be filed within 60 calendar days after the expiration  
2430 of an existing registration in order for the declaration of  
2431 intent to be reinstated. The office must grant a reinstatement  
2432 of a notice of intent for which application is filed during the  
2433 60 calendar days, and the reinstatement is effective upon  
2434 receipt of the required fees and any information that the  
2435 commission requires by rule. If the registrant has not filed a

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2436 reinstatement of a renewal declaration of intent within 60  
2437 calendar days after the expiration date of an existing  
2438 registration, the notice of intent expires and a new declaration  
2439 of intent must be filed with the office.

2440 Section 56. Section 655.935, Florida Statutes, is amended  
2441 to read:

2442 655.935 Search procedure on death of lessee.--If  
2443 satisfactory proof of the death of the lessee is presented, a  
2444 lessor shall permit the person named in a court order for the  
2445 purpose, or if no order has been served upon the lessor, the  
2446 spouse, a parent, an adult descendant, or a person named as a  
2447 personal representative in a copy of a purported will produced  
2448 by such person, to open and examine the contents of a safe-  
2449 deposit box leased or co-leased by a decedent, or any documents  
2450 delivered by a decedent for safekeeping, in the presence of an  
2451 officer of the lessor; and the lessor, if so requested by such  
2452 person, shall deliver:

2453 (1) Any writing purporting to be a will of the decedent,  
2454 to the court having probate jurisdiction in the county in which  
2455 the financial institution is located;

2456 (2) Any writing purporting to be a deed to a burial plot  
2457 or to give burial instructions, to the person making the request  
2458 for a search; and

2459 (3) Any document purporting to be an insurance policy on  
2460 the life of the decedent, to the beneficiary named therein.

2461  
2462 No other contents may be removed pursuant to this section and  
2463 access granted pursuant to this section shall not be considered

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the initial opening of the safe-deposit box pursuant to s.  
733.6065 by a personal representative appointed by a court in  
this state.

Section 57. Section 655.936, Florida Statutes, is amended  
to read:

655.936 Delivery of safe-deposit box contents or property  
held in safekeeping to personal representative.--

(1) Subject to the provisions of subsection (3), the  
lessor shall immediately deliver to a ~~resident~~ personal  
representative appointed by a court in this state, upon  
presentation of a certified copy of his or her letters of  
authority, all property deposited with it by the decedent for  
safekeeping, and shall grant the ~~resident~~ personal  
representative access to any safe-deposit box in the decedent's  
name and permit him or her to remove from such box any part or  
all of the contents thereof.

(2) If a ~~foreign~~ personal representative of a deceased  
lessee has been appointed by a court of any other state, a  
lessor may, at its discretion, after 3 months from the issuance  
to such ~~foreign~~ personal representative of his or her letters of  
authority, deliver to such ~~foreign~~ personal representative all  
properties deposited with it for safekeeping and the contents of  
any safe-deposit box in the name of the decedent if at such time  
the lessor has not received written notice of the appointment of  
a personal representative in this state, and such delivery is a  
valid discharge of the lessor for all property or contents so  
delivered. A ~~Such foreign~~ personal representative appointed by a  
court of any other state shall furnish the lessor with an

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2492 affidavit setting forth facts showing the domicile of the  
2493 deceased lessee to be other than this state and stating that  
2494 there are no unpaid creditors of the deceased lessee in this  
2495 state, together with a certified copy of his or her letters of  
2496 authority. A lessor making delivery pursuant to this subsection  
2497 shall maintain in its files a receipt executed by such ~~foreign~~  
2498 personal representative which itemizes in detail all property so  
2499 delivered.

2500 (3) Notwithstanding the provisions of subsection (1),  
2501 after the death of a lessee of a safe-deposit box, the lessor  
2502 shall permit the initial opening of the safe-deposit box and the  
2503 removal of the contents of the safe-deposit box in accordance  
2504 with s. 733.6065.

2505 (4) A lessor is not liable for damages or penalty by  
2506 reason of any delivery made pursuant to this section.

2507 Section 58. Section 655.937, Florida Statutes, is amended  
2508 to read:

2509 655.937 Access to safe-deposit boxes leased in two or more  
2510 names.--

2511 (1) Unless ~~when~~ specifically provided in the lease or  
2512 rental agreement to the contrary, when covering a safe-deposit  
2513 box is heretofore or hereafter rented or leased in the names of  
2514 two or more lessees, ~~that~~ access to the safe-deposit box will be  
2515 granted to ~~either lessee, or to either or the survivor, access~~  
2516 ~~to the safe-deposit box shall be granted to:~~

2517 (a) Either or any of such lessees, regardless of whether  
2518 or not the other lessee or lessees or any of them are living or  
2519 competent. ~~;- or~~

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2520        (b) Subject to s. 655.933, those persons named in s.  
2521        655.933.

2522        (c) Subject to s. 655.935, those persons named in s.  
2523        655.935.

2524        (d)(b) Subject to s. 733.6065, the personal representative  
2525        of the estate of either or any of such lessees who is deceased,  
2526        or the guardian of the property of either or any of such lessees  
2527        who is incapacitated.

2528        (2) In all cases described in subsection (1), ~~and, in~~  
2529        ~~either such case, the provisions of s. 655.933 apply, and the~~  
2530        signature on the safe-deposit entry or access record (or the  
2531        receipt or acquittance, in the case of property or documents  
2532        otherwise held for safekeeping) is a valid and sufficient  
2533        release and discharge to the lessor for granting access to such  
2534        safe-deposit box or for the delivery of such property or  
2535        documents otherwise held for safekeeping.

2536        (3)(2) A lessor may not be held liable for damages or  
2537        penalty by reason of any access granted or delivery made  
2538        pursuant to this section.

2539        (4) The right of access by a co-lessee is separate from  
2540        the rights and responsibilities of other persons who may be  
2541        granted access to a safe-deposit box after the death or  
2542        incapacity of another co-lessee and such right of access is not  
2543        subject to the provisions of s. 655.935 or s. 733.6065 or other  
2544        requirements imposed upon personal representatives, guardians,  
2545        or other fiduciaries.

2546        (5) After the death of a co-lessee, the surviving co-  
2547        lessee or any other person who is granted access to the safe-

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2548 deposit box pursuant to this section may make a written  
2549 inventory of the box which shall be conducted by the person  
2550 making the request in the presence of one other person as  
2551 specified in this subsection. Each person present shall verify  
2552 the contents of the box by signing a copy of the inventory under  
2553 penalty of perjury.

2554 (a) If the person making the written inventory is the  
2555 surviving co-lessee, the other person may be any other person  
2556 granted access pursuant to this section, an employee of the  
2557 institution where the box is located, or an attorney licensed in  
2558 this state.

2559 (b) If the person making the written inventory is not a  
2560 surviving co-lessee, the other person may be a surviving co-  
2561 lessee, an employee of the institution where the box is located,  
2562 or an attorney licensed in this state.

2563 Section 59. Section 733.6065, Florida Statutes, is amended  
2564 to read:

2565 733.6065 Opening safe-deposit box.--

2566 (1) Subject to the provisions of s. 655.936(2), the  
2567 initial opening of a the decedent's safe-deposit box leased or  
2568 co-leased by the decedent shall be conducted in the presence of  
2569 any two of the following persons: an employee of the institution  
2570 where the box is located, the personal representative, or the  
2571 personal representative's attorney of record. Each person who is  
2572 present must verify the contents of the box by signing a copy of  
2573 the inventory under penalties of perjury. The personal  
2574 representative shall file the safe-deposit box inventory,  
2575 together with a copy of the box entry record from a date which

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is 6 months prior to the date of death to the date of inventory, with the court within 10 days after the box is opened. Unless otherwise ordered by the court, this inventory and the attached box entry record is subject to inspection only by persons entitled to inspect an inventory under s. 733.604(1). The personal representative may remove the contents of the box.

(2) The right to open and examine the contents of a safe-deposit box leased by a decedent, or any documents delivered by a decedent for safekeeping, and to receive items as provided for in s. 655.935 are separate from ~~in addition to~~ the rights provided for in subsection (1).

Section 60. This act shall take effect October 1, 2005.